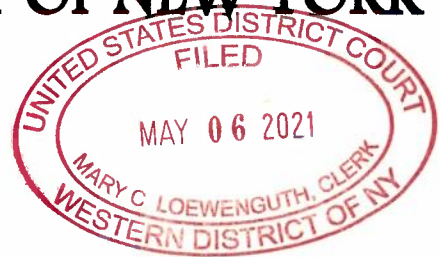


**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**



ASLAM CYCLEWALA, AKA JAVED  
KHAN,

Petitioner,

v.

THOMAS FEELEY,

In his official capacity as Field  
Office Director, Buffalo Field  
Office, U.S. Immigration &  
Customs Enforcement;

JEFFEREY SEARLS,

In his official capacity as Facility  
Director, Buffalo Federal  
Detention Facility;

ALEJANDRO MAYORKAS,

in his official capacity as Acting  
Secretary, U.S. Department of  
Homeland Security;

MERRICK B. GARLAND,

In his official capacity as Attorney  
General of the United States;

Respondents.

Civil Action No. 21-cv-0372 EAW

VERIFIED PETITION FOR  
WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241  
AND INCORPORATED  
MEMORANDUM OF LAW

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS  
UNDER 28 U.S.C. § 2241 BY A PERSON IN CUSTODY**

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Mr. Aslam Cyclewala, also known as Javed Khan (hereinafter "Petitioner" or "Mr. Cyclewala"), a civil immigration detainee currently held at the Buffalo Federal Detention Facility ("B.F.D.F.") in Batavia, New York, seeks a writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. In support of this petition and complaint for injunctive relief, Mr. Cyclewala alleges as follows.

**PRELIMINARY STATEMENT**

- 1) Petitioner is a 52 year-old man from India. He served a sentence of 30 years. Petitioner was released on February 11, 2020 and taken into ICE custody.
- 2) He is being held by ICE at the Buffalo federal Detention Facility in Batavia, New York since February 11, 2020.
- 3) Respondents have been trying to remove Mr. Cyclewala to his native country India since 2016.
- 4) Respondents have detained Mr. Cyclewala in Batavia for more than 15 MONTHS post-removal order.

**THE PARTIES**

- 5) Petitioner, Mr. Cyclewala, is a native and citizen of India. Mr. Cyclewala came to the United States in 1986 . He was ordered deported on May 15, 1995; Petitioner waived appeal of the order, rendering it final. Petitioner was taken into ICE custody on February

11, 2020. He has been detained by the Bureau of Immigration and Customs Enforcement (ICE) for over fourteen (14) months at the Buffalo Federal Detention Facility.

- 6) Respondent THOMAS FEELEY is the Interim Field Office Director for Detention and Removal, Buffalo Field Office, Bureau of Immigration and Customs Enforcement, Department of Homeland Security. As such, he is the local ICE official who has immediate custody of the Petitioner.
- 7) Respondent JEFFREY SEARLS is the Facility Acting Director of the Buffalo Federal Detention Facility in Batavia, New York where Petitioner is detained and he has immediate custody of the Petitioner.
- 8) Respondent ALEJANDRO MAYORKAS is the acting Secretary of the U.S. Department of Homeland Security. This is the agency responsible for the administration of ICE and the implementation and enforcement of the INA. As such, DHS is the legal custodian of Petitioner. Respondent Mayorkas office is in the U.S. Department of Homeland Security, Washington, DC 20528.
- 9) Respondent MERRICK B. GARLAND is the acting Attorney General of the United States and the most senior official in the U.S. Department of justice (DOJ). He has the authority to interpret the immigration laws and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for immigration Review ("EOIR"), which administers the immigration courts and the board of immigration appeals (BIA). in his official capacity.

#### CUSTODY

- 10) Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the Buffalo Federal Detention Facility ("BFDF") at 4250 Federal Drive, Batavia, New York 14020. Petitioner is under the direct care, custody and control of Respondents and their agents.

### JURISDICTION

- 11) The federal Habeas corpus Statute gives district courts jurisdiction to hear immigration-related detention cases. *See* 28 U.S.C. § 2241 (c)(3); *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (holding that "§ 2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention" in immigration cases). District courts do not have jurisdiction over challenges to the legality of final order of deportation, exclusion, and removal; jurisdiction to review such challenges rests exclusively in circuit courts. *See Giffens v. Menifee*, 428 F.3d 382, 384 (2d Cir. 2005) ("[The REAL ID Act, 119 Stat. 231, § 106(a) (May 11, 2005)] eliminates habeas jurisdiction over final orders of deportation, exclusion, and removal, providing instead for petitions of review... which circuit courts alone can consider.").

### VENUE

- 12) Venue lies in the Western District of New York because Petitioner is currently detained at the Buffalo Federal Detention Facility. Venue in the Western District of New York is also proper because Petitioner is in the custody of Respondent *Michael Philips*, Interim Field Office Director of Buffalo, which encompasses the area where Petitioner is detained. 28 U.S.C. § 1391.

### EXHAUSTION OF REMEDIES

- 13) Petitioner has already exhausted the administrative remedies available to him by seeking release from detention. On August, 2020 Petitioner's 180 day custody review was denied . On April 06, 2021, petitioner got a custody review letter, after 14 months, denying him release. ICE's Headquarters Post-Order Detention unit (HQPODU) informed Petitioner that it would continue to keep him in custody. The custody review regulations do not provide for appeal from a HQPODU custody review decision. See 8 C.F.R. §241.4(d). Petitioner has exhausted his administrative remedies to the extent of the required law, and his only remedy is by way of this judicial action.
- 14) No statutory exhaustion requirement applies to Petitioner's claims of unlawful detention. *See Araujo-Cortes*, 35 F. Supp. 3d at 538. *Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010); *Garcia v. Shanahan*, 615 F. Supp. 2d 175, 180 (S.D.N.Y. 2009).

### FACTUAL ALLEGATIONS

- 15) Petitioner was born in India on July 09, 1969. He entered the United States in 1986. On April 29, 1988, Petitioner filed an application for temporary resident status with the former Immigration and Naturalization Service ("INS") under the name "Javed Khan". On December 12, 1989, INS informed Petitioner by letter that his application had been denied because he had failed to assist INS in verifying the information necessary to decide his application and had failed to establish his eligibility for temporary resident

status.

- 16) On February 13, 1991, under the name "Javed Khan," Petitioner was convicted of murder in the second degree, kidnapping in the second degree, robbery in the first degree, and possession of a weapon in the second degree.
- 17) From April 29, 1988 to October 17, 2016, Petitioner lied about the name "Javed Khan" and that he came on a altered passport. Mainly because of his lengthy sentence of 27 to life, Petitioner was distraught, in shock that he was going to a maximum Security prison, and not in the right state of mind. Furthermore, Petitioner was not allowed to send out any mail without his prison name ("Javed Khan") and Prison ID number (91 A 2211) and this is the reason Petitioners' communication with Deportation Officer Andrew Beck and Joseph Radley was under "Javed Khan".
- 18) On September 2016, The New York State board of Parole granted Petitioner conditional parole for deportation only ("CPDO"). On or about October 17, 2016, Petitioner Provided INS an affidavit by his uncle stating that Petitioner's name is in fact Aslam Ismail Cyclewala, that he was born in India in 1969, that his father's name is Ismail Ibrahim Cyclewala, and that his mother's name is Gulshan Ismail Cyclewala.
- 19) Petitioner has provided ICE with a copy of his Birth Certificate (*See Exhibit C, Birth Certificate*) from India under his name (Aslam ) Father: Ismail . . Mother: Gulshan . . and School records from India. Petitioner has stated that his name is "Aslam Ismail Cyclewala" and provided records proving that is his true identity. But ICE, for some reason, submitted application to the Indian consulate under the name "Ismail Cyclewala" in October 2019.

- a) On November 22, 2016 Respondents filed an application for travel

documents for Petitioner under the name of "Javed Ismail Khan". *See Exhibit A* (Letter from ICE to Consulate General of India on November 22, 2016) (It is unclear why respondents applied under the name of "Javed Ismail Khan" when Petitioner provided ICE with birth certificate, school records, and affidavit from maternal uncle stating that Petitioner name is "Aslam Ismail Cyclewala".)

c) On October 28, 2019, Respondents filed an application for travel documents with the Indian Consulate under the name of "Ismail Cyclewala". *See Exhibit B page 234*. Petitioner filled out "Information required for Online Nationality Verification Module" and in it Petitioner provided his name "Aslam Ismail Cyclewala" *See Exhibit B page 238*. furthermore, Petitioner filled out numerous forms stating his name is "Aslam Ismail Cyclewala" *See Exhibit B page; 240, 241, 242, and 243*. ( All of this information was submitted to Deportation Officer ("D.O.") Joseph Radley. however, for unknown reasons, D.O. Radley filed the application for travel document under the name of "Ismail Cyclewala").

- 20) On February 11, 2020, Petitioner was released from custody by the New York State Department of Corrections and Community Supervision and taken into ICE custody. After arriving at the BFDF, Petitioner was interviewed, Petitioner stated that his name is "Aslam Ismail Cyclewala." On February 19, 2020, ICE sent another request for a travel document to the Consulate of India under the name "Cyclewala".
- 21) In June 2020, the consulate of India informed ICE that they were not able to verify Petitioners address and requested more information. On August 4, 2020 Petitioner participated in an interview with the Indian Consulate in connection with the request

for travel documents.

- 22) On or about September 21, 2020 Petitioner was sent by plane to Alexandria, Louisiana, for a flight to India. However, ICE did not obtain the necessary travel documents in time for that flight, and Petitioner, after being moved first to Monroe, Louisiana, And then Alvarado, Texas, was returned to the BFDF in December 2020.
- 23) On September 4, 2020 Petitioner filed petition for Habeas Corpus which was denied on January 29, 2021.
- 24) Petitioner requested ICE for a custody review for 270 (9 months) review and 360 (12 months) review. On April 6, 2021 Petitioner was given "Decision to Continue Detention" because "ICE is currently working with the Government of India to secure a travel document." ( This is the same exact Decision that Petitioner received for his 6 months custody review by the same person) *See Exhibit D, ("Decision to Continue Detention.)* In the same Exhibit it is mentioned that "This decision was based on a... personal interview..." However, Petitioner was never personally interviewed for the 1 year custody review.)
- 25) To this day Petitioner has been detained awaiting deportation for over 15 Months Post-removal order. over double the amount allowed under *Zadvydas* decision.
- 26) Petitioner is suffering and will continue to suffer irreparable injury because of the government's actions. Every day that he is held in custody he suffers further injury, which is irreparable.

#### LEGAL FRAMEWORK FOR RELIEF SOUGHT



- 27) The Instant matter is very similar to *RANJITH SINGH v. MATTHEW G. WHITTAKER*, 362 F. Supp. 3d 93; US Dist LEXIS 111392019 U.S. Dist. LEXIS 1139 18-CV-794
- 28) In the above said case *RANJITH SINGH v. MATTHEW G. WHITTAKER* Petitioner was; first, released on bond; second, he goes on to stab someone in the chest; third, does his time in jail; fourth, comes back to Batavia and waits for about a year to get his travel documents from the Indian Consulate. *Ranjith* gave D.O. multiple different names and gave misrepresenting information.

Deportation Officer (D.O.) Muehlig explained that in the past, Singh had provided New York State officials with different names, including "Randy Singh," "Jauandar Singh," "Ranjit Singh," "Jsunder Singh," and "Rana Singh," along with two dates of birth, November 15, 1967, and November 11, 1966. Id. at 3.

Additionally, Singh provided different names for family members in 1992, 2008, 2010, and 2018. Id. at 3-4. For example, in 1992, he provided the name "Gurdev Kaur" for his mother and "Swaran Singh" for his father, id. at 3, and in 2008, he provided the name "Gurdue Kuaer" for his mother and "Swinrah Singh" for his father, id. at 3-4. At other times in 2008 and 2010, Singh provided the names "Eureaer Kuer" and "Deaver Kuhar" for his mother and "Ivrean Singh" and "Swrena Singh" for his father. Id. at 4. Muehlig contends that the various names Singh has provided for his family members make it more difficult for the Indian Consulate to ascertain his true identity. Id. at 3.

Muehlig has advised that DHS "determined to continue SINGH's detention because DHS is working with the government of India and a travel document is

expected." Id. at 4. "The time frame of this expectation is not specific," however, "as India attempts to verify SINGH's identity amidst all SINGH's past/present lies about his identity." Id. Muehlig explained that as soon as it "secures a travel document from India for SINGH, it will then be only a matter of weeks before SINGH is physically repatriated back to India." Id. at 5. When that travel document will be secured, however, is apparently anyone's guess.

- 29) It is worth noting that it was D.O. Muehlig that conducted Petitioner interview in the instant matter. Furthermore, the same decision was given to Mr. Cyclewala.

The second circuit in *Ranjith* said;

Although the dangerousness of an alien pending removal still may not justify indefinite detention, see *Zadvydas*, 533 U.S. at 685 (singh "was involved in a gang-related shooting, convicted of manslaughter, and sentenced to 38 months' imprisonment"), it may be considered when determining whether immediate release is the appropriate remedy, see *Hilton*, 481 U.S. at 779. ("In cases in which preventative detention is of a potentially indefinite duration, [the Supreme Court has] also demanded that the dangerousness rationale be accompanied by some other special circumstance, such as mental illness, that helps create the danger."

*Zadvydas v. Davis*, 533 U.S. 678, 691, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001)). Moreover, as noted above, see note {362 F. Supp. 3d 105} 6, *supra*, an alien's efforts to avoid removal may justify detention, and the government has asserted that Singh has done just that. In balancing all these concerns, this Court will permit the government to continue holding Singh in detention for three

months until April 24, 2019. By setting forth a clearly fixed and defined release date under § 2243, Singh's detention can no longer be described as "indefinite," and thus lacks the associated legal and constitutional concerns associated with that status.

No later than April 24, 2019, the government shall: (1) release Singh from custody or (2) provide a date by which DHS reasonably expects him to be repatriated to India, including the reasons behind and evidence supporting that expectation.

- 30) In the decision Honorable Judge LAWRENCE J. VILARDO, granted relief in part to Singh.
- 31) Under the Immigration and Nationality Act, ICE is required to remove an alien subject to a final order of removal within 90 days. See 8 U.S.C. § 1231(a)(1)(A). Certain categories of aliens, "may be detained beyond the removal period and, if released, shall be subject to the terms of supervision in paragraph (3)." *Id.* § 1231(a)(6).
- 32) In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id.* at 702. In *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court held that its ruling in *Zadvydas* applies equally to inadmissible aliens. Department of Homeland Security administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. § 241.13 (b)(2)(ii).

- 33) Section 1231 "does not permit indefinite detention." *Zadvydas*, 533 U.S. at 689. Instead, it "limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal." *Id.* ("[F]or detention to remain reasonable, as the period of prior post removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." (alteration added)) See *id.* at 701 .
- 34) Many courts hesitate in upholding permanent or indefinite confinement. Instead, they have ruled against those in long-term confinement by characterizing the confinement as temporary or of fixed length, *See Barrera-Echavarria v. Rison*, 44 F.3d 1441, 1445 (9th Cir. 1995) (en banc); *Gisbert v. Att'y Gen.*, 988 F.2d 1437, 1447 (5th Cir.), amended on other grounds, 997 F.2d 1122 (5th Cir. 1993); *Rodriguez-Fernandez v. Wilkinson*, 654 F.2d 1382, 1389 (10th Cir. 1981).
- 35) Due process requires a special justification for indefinite detention of petitioner. *See Zadvydas*, (due process requires "special justification" for physical detention that "outweighs the individual's constitutionally protected interest in avoiding physical restraint" as well as "adequate procedural protections." (internal quotation marks omitted.)) at 533 U.S., at 690-691, 150 L Ed 2d 653, 121 S Ct 2491. ("There must be a 'sufficiently compelling' governmental interest to justify such an action, usually a punitive interest in imprisoning the convicted criminal or a regulatory interest in forestalling danger to the community.") *Flores*, 507 U.S., at 316, 123 L Ed 2d 1, 113 S Ct 1439 (O'Connor, J., concurring) (quoting *Salerno*, 481 U.S., at 748, 95 L Ed 2d 697, 107 S Ct 2095). The class of persons subject to confinement must be commensurately narrow and the duration of confinement limited accordingly. *Zadvydas*, *supra*, at 691, 150 L Ed 2d 653, 121 S Ct 2491; *Hendricks*, 521 U.S., at 368, 138 L Ed 2d 501, 117 S

Ct 2072; *Foucha*, 504 U.S., at 81–82, 118 L Ed 2d 437, 112 S Ct 1780; *Salerno*, *supra*, at 747, 750, 95 L Ed 2d 697, 107 S Ct 2095. Justice Kennedy's dissenting view in *Zadvydas*, like that of the majority, disapproved detention that is not "necessary" to counter a risk of flight or danger; it is "arbitrary or capricious" and violates the substantive component of the Due Process Clause. 533 US, at 721, 150 L Ed 2d 653, 121 S Ct 2491.

- 36) Petitioners' indefinite confinement invoke the substantive and procedural due process protections of the Fifth Amendment. Substantive due process protects against violations of "fundamental liberty interests," i.e., those that may not be abridged regardless of the process. *See Reno v. Flores*, 507 U.S. 292, 315 (1993) (fundamental liberty interest may not be restricted unless restriction is narrowly tailored to serve compelling government interest); *Phan v. Reno*, 56 F. Supp. 2d 1149 (W.D. Wash. 1999) (same). Courts typically apply the substantive due process analysis developed in *United States v. Salerno*, 481 U.S. 739 (1987), a pre-trial criminal case, to the administrative detention of immigrants. The *Salerno* analysis is used to assess whether pre-trial detention constitutes impermissible punishment or permissible regulation. *Id.* at 746–47. For further discussion on the *Salerno* test, see *supra* note 62. See generally Cesar Cuauhtémoc Garcia Hernández, *Immigration Detention as Punishment*, 61 UCLA L. Rev. 1346 (2014) (arguing that immigration detention constitutes penal incarceration).
- 37) Procedural due process, safeguards against the deprivation of "life, liberty or property" without adequate process. *U.S. Const. amend V* As stated earlier, courts typically determine the process due in such cases by balancing the factors identified by the

Supreme Court in *Mathews v. Eldridge*. (1) the private interest affected; (2) the risk of “erroneous deprivation of such interest through the procedures used, and the probable value, if any of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.”

*Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); see also *Phan v. Reno*, 56 F. Supp. 2d 1149 (W.D. Wash. 1999) (applying analysis in indefinite-detention context).

The removal Period should not be Extended

38) Petitioner complied with ICE officer and provided all information that he had available.

It is because of this reason that ICE never charged Petitioner with "Failure to Comply".

39) Petitioner provided Respondents with his correct information in 2016–2019 *See Exhibit B, and C*. However the Respondents Continued to file Applications for travel document under various names for Petitioner. Therefore, the delay and confusion is caused solely due to the Respondents action.

40) Petitioner full cooperation with ICE to obtain a travel documents and gave ICE all information From 2016– to Present day.

Petitioner provided Affidavit from his uncle, Birth Certificate, School Record, filled out Travel Document application, provided finger prints. Petitioner continues to provide respondents with affidavits and any other information they request. He participated in interviews with the Indian consulate. In one of the interview the Indian Consulate stated to the Petitioner that he can not confirm his identity at the address in India by the residents that live there now. Petitioner

has been Incarcerated for over 30 years. It is impossible for the residents at the address to remember Petitioner after such a long time.

Currently, Petitioner has supplied three additional affidavits *See Exhibit E*. Petitioner has requested 5 countries asking for Asylum and or temporary status. *See Exhibit F*.

Up to today the Indian Consulate has not contacted the people who have issued the affidavit, as to verify petitioners nationality. As far as the countries Petitioner has wrote too is moot for it is impossible for Petitioner to get any form of relief because ICE has not been pro-active to get Petitioner deported to India or any where else.

Petitioner has had his wife send various e-mail's in order to get Petitioner deported or released. *See Exhibit G*.

- 41) Petitioner argues that extension of the removal period is not authorized by 8 U.S.C. § 1231(a)(1)(C) Petitioner asserts that ICE failed to comply with its own regulations when it purported to extend petitioner's detention pursuant to 8 U.S.C. § 1231(a)(1)(C) Once the alien has complied with his or her obligations under the law, the Service shall have a reasonable period of time in order to effectuate the alien's removal." 8 C.F.R. § 241.4(g)(1)(ii)(emphasis added).

THERE IS NO REASONABLY FORSEEABLE FUTURE

- 42) Petitioner asserts that there is no likelihood of his removal from the United States in the reasonably foreseeable future and that his continued detention by ICE is contrary to the recent Supreme Court decision of *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner was denied his 90-days, 180-days, 270-days, and 360-days, for the following

same reason.

"ICE is currently working with the government of India to secure a travel document for your removal from the United States. A travel document from the Government of India is expected, and ICE has reason to believe there's a significant likelihood that your removal will occur in the reasonably foreseeable future, therefore you are to remain in ICE custody..." *See Exhibit D.*

- 43) Court requires a detained alien to demonstrate initially only that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701 (emphasis added).
- 44) As one court in this district explained, "the burden upon the detainee is not to 'demonstrate' no reasonably foreseeable, significant likelihood of removal or 'show that his detention is indefinite'; it is something less than that. *D'Alessandro v. Mukasey*, 628 F. Supp. 2d 368, 404 (W.D.N.Y. 2009).
- 45) In the instant matter Petitioner has been detained for over 15 MONTHS post-removal order. *See Williams v. Sessions*, Civil No. 18-2633 (DSD/SER), 2019 U.S. Dist. LEXIS 7759, 2019 WL 234350, at \*3 (D. Minn. Jan. 16, 2019). "The longer the alien's post-removal detention, the easier it is for him to satisfy his initial burden . . . because 'what counts as the reasonably foreseeable future shrinks as the period of prior postremoval detention grows.'" *Ahmed*, 2015 U.S. Dist. LEXIS 45346, 2015 WL 1542131, at \*3 (quoting *Zadvydas*, 533 U.S. at 701). (Courts have found no significant likelihood of removal in five circumstances: (1) the detainee is stateless and no country will accept him; (2) the detainee's country of origin refuses to issue a travel document; (3) the United States does not have a repatriation agreement with the detainee's native country;



(4) the political conditions in the detainee's country of origin render removal virtually impossible; and (5) the delay in issuing travel documents warrants an inference that the documents will likely never issue. Ahmed, 2015 U.S. Dist. LEXIS 45346, 2015 WL 1542131, at \*3 (collecting cases); Williams, 2019 U.S. Dist. LEXIS 7759, 2019 WL 234350, at \*3.)

- 46) Petitioner agrees that Respondents have tried very hard to obtain his travel documents but to this day the Indian Consulate has not provided him with the travel document and it is unknown when, if ever the Indian consulate will Provide Petitioners travel Documents. ("under Zadvydas, the reasonableness of Petitioner's detention does not turn on the degree of the government's good faith efforts. . . . Rather, the reasonableness of Petitioner's detention turns on whether and to what extent the government's efforts are likely to bear fruit"); *D'Alessandro*, 628 F. Supp.2d at 406 (government failed to rebut presumption that deportation is not reasonably foreseeable when "[r]espondents . . . can come forward with nothing other than an assertion that [detainee's] detention will end at some unspecified and unpredictable time"); *Andreasyan v. Gonzales*, 446 F. Supp. 2d 1186, 1189–90 (W.D. Wash. 2006) (finding removal not likely in reasonably foreseeable future when alien detained for eight months, consulate states only that case was still under review pending a decision, and government continues to ask for a few more weeks); *Shafqet v. Ashcroft*, 2003 U.S. Dist. LEXIS 7075, 2003 WL 1964290, at \*4 (N.D. Ill. Apr. 28, 2003) ("The period of Petitioner's post-final-order detention has at this time exceeded seventeen months and so 'the reasonably foreseeable future' must now come very quickly"); *Seretse-Khama v. Ashcroft*, 215 F. Supp.2d 37, 50 (D.D.C. 2002) (government failed to rebut showing that deportation is not reasonably foreseeable

where they "have not demonstrated . . . that any travel documents are in hand, nor have they provided any evidence, or even assurances from the [foreign] government, that travel documents will be issued in a matter of days or weeks or even months").

- 47) Here, Petitioner cannot be removed to India without travel documents. Despite ICE's efforts to obtain travel documents for more than a year and its frequent follow-up communications with the Indian consulate, nothing in the record suggests that ICE is now any closer to obtaining the necessary documents than it was when Petitioner first was taken into custody.
- 48) For this reasons, Mr. Cyclewala is entitled to some relief.

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **STATUTORY VIOLATION**

- 49) Petitioner repeats and re-alleges the allegations contained in paragraphs 1 through 48 above as though set forth fully herein.
- 50) Section 241 of the Immigration and Nationality Act permits the detention of an alien with a final order of removal for a period of 90 days. Beyond the statutory period, the Supreme Court has held that six months is a presumptively reasonable period of detention for the government to effect removal. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Once six months have passed, the alien must be released if there is no reasonable likelihood of removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 699–700. In this case, ICE has detained petitioner for more than six months since the issuance of his final order of removal.

- 51) No special circumstances exist to justify petitioner's continued detention.
- a. Petitioner is not an alien with a "highly contagious disease posing a danger to the public." See 8 C.F.R. § 241.14(b).
  - b. Petitioner's release would not cause "serious adverse foreign policy consequences." See 8 C.F.R. § 241.14(c)(1)(ii). There is no indication that Petitioner's release would have "serious adverse" foreign policy consequences.
  - c. Petitioner was never and is not now detained on account of security or terrorism concerns. See 8 C.F.R. § 241.14(d)(1).
  - d. Petitioner has not committed a violent crime as defined in 18 U.S.C. § 16 as would classify him as "specially dangerous." See 8 C.F.R. § 241.14(f)(1). His/her release therefore would not pose a special danger to the public. See 8 C.F.R. § 241.14(f).
- 52) Because there is no significant likelihood of removal in the reasonably foreseeable future, and because none of the special circumstances exist here to justify petitioner's continued detention, petitioner must be released under ICE supervision.

## COUNT TWO

### SUBSTANTIVE DUE PROCESS VIOLATION

- 53) Petitioner re-alleges and incorporates by reference paragraphs 1 through 52 above.
- 54) Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.
- 55) The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not

significantly likely to be removed in the reasonably foreseeable future. Zadvydas recognized that ICE may continue to detain aliens only for a period reasonably necessary to secure the alien's removal. The presumptively reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of 14 months and Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

### **COUNT THREE**

#### **PROCEDURAL DUE PROCESS VIOLATION**

- 56) Petitioner re-alleges and incorporates by reference paragraphs 1 through 55 above.
- 57) Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. Petitioner in this case has been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. Further, Respondents have failed to acknowledge or act upon the Petitioner's administrative request for release in a timely manner. There is no administrative mechanism in place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates Zadvydas.

### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief.

- 1) Assume jurisdiction over this matter;

- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Order Respondents to provide date when Petitioner will be either released or deported.
- 5) To review this matter until Petitioner is released or deported.
- 5) Grant any other and further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully,

*Aslam Cyclewala*

ASLAM CYCLEWALA, AKA JAVED KHAN

A# 091-350-968

*Buffalo Federal Detention Facility*

*4250 Federal Drive*

*Batavia, N.Y. 14020*

Dated. 4/12/21

*James Cryer*

<p><b>JAMES CRYER</b> NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01CR6406465. Qualified in Genesee County My Commission Expires March 30, 2024</p>
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**UNITED STATES DISTRICT COURT  
OF THE WESTERN DISTRICT OF NEW YORK**

ASLAM CYCLEWALA, AKA JAVED KHAN Proceeding Pro-Se  
A#091-350-968,  
Petitioner,


-v-

**THOMAS FEELEY,**  
ICE Field Office Director  
**JEFFEREY SEARLS,**  
BFDF Facility Director  
**MERRICK B. GARLAND,**  
UNITED STATES ATTORNEY GENERAL  
**ALEJANDRO MAYORKAS**  
U.S. Department of Homeland Security  
Respondent

**CERTIFICATE OF SERVICE**

I, ASLAM CYCLEWALA, AKA JAVED KHAN, hereby certify under the penalty of perjury that on the \_\_\_\_ Day of \_\_\_\_\_, 2021, I served a true and correct photocopy of the annexed herewith: **WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**, by causing them to be placed in mail, postage prepaid to the addressed of each of the following persons at the last known address set forth after each name: **Honorable Clerk of the Court, UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK, UNITED STATES COURTHOUSE, 100 State Street, Rochester, New York 14614.**

Respectfully Submitted,

  
\_\_\_\_\_  
ASLAM CYCLEWALA, AKA JAVED KHAN,  
A#091-350-968  
B.F.D.F.  
4250 Federal Drive  
Batavia, NY 14020



**JAMES CRYER**  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01CR6406465  
Qualified in Genesee County  
My Commission Expires March 30, 2024

Dated: 4/12/21

EXHIBIT FOR HABEAS CORPUS

- 1) EXHIBIT A: LETTER FROM ICE TO CONSULATE OF INDIA DATED 11/22/2016
- 2) EXHIBIT B: APPLICATION FOR TRAVEL DOCUMENT DATED 10/28/2019 (pg. 2345244)
- 3) EXHIBIT C: BIRTH CERTIFICATE NO. 752597287
- 4) EXHIBIT D: DECISION TO CONTINUE DETENTION (08/26/2020 and 04/06/2021)
- 5) EXHIBIT E: ADDITIONAL AFFIDAVITS
- 6) EXHIBIT F: LETTERS TO DIFFERENT CONSULATES
- 7) EXHIBIT G: ACTIVELY SEEKING DEPORTATION

EXHIBIT A

U.S. Department of Homeland Security  
130 Delaware Ave.  
Buffalo, NY 14202



U.S. Immigration  
and Customs  
Enforcement

November 22, 2016

Consulate General of India  
3 East 64th Street  
New York, NY 10065  
ATTN: Mr. Dnyaneshwar M. Mulay

**RE: KHAN, JAVED ISMAIL A091350968**

Dear Consul General:


Please accept this letter with the enclosed documents as a formal request for a travel document on behalf of KHAN, JAVED ISMAIL a native and citizen of INDIA.

Mr. KHAN entered the United States at New York, NY on 01/01/1986 without inspection.

Mr. KHAN was afforded a hearing before an Immigration Judge to answer the charges on the attached Notice to Appear. As a result of this hearing, Mr. KHAN was ordered deported from the United States as documented by the attached Order.

Mr. KHAN will be scheduled to depart the United States upon receipt of a travel document. Since he is being detained in State Prison until issuance, a prompt response would be appreciated.

If you require further information, please contact Officer Beck at 716-843-7600 or email [andrew.d.beck@ice.dhs.gov](mailto:andrew.d.beck@ice.dhs.gov).

Sincerely,  
  
Andrew D. Beck  
Deportation Officer

Enclosed  
Copies of





सत्यमेव जयते

## CONSULATE GENERAL OF INDIA

3 EAST 64TH STREET, NEW YORK, NY 10065, USA

00-1-212-7740600, <https://www.india.newyork.gov.in/>

APPLICATION FORM FOR EMERGENCY CERTIFICATE

EMERGENCY CERTIFICATE PREVIEW



19-2001888378

Generated On: 10/28/2019, 5:09:22 PM

## भारत गणराज्य REPUBLIC OF INDIA



टाइप/Type राष्ट्र कोड/CountryCode आपाती प्रमाणपत्र नं./EC No.

P IND

उपनाम/Surname

ISMAIL

दिया गया नाम/Given Name(s)

CYCLEWALA

राष्ट्रियता/Nationality

लिंग/Sex

जन्मतिथि/Date of Birth

INDIAN

M

09/07/1967

जन्म स्थान/Place of Birth

BOMBAY, MAHARASHTRA

जारी करने का स्थान/Place of Issue

जारी करने की तिथि/Date of Issue

समाप्ति की तिथि/Date of Expiry

पिता/कानूनी अभिभावक का नाम/Name of Father/Legal Guardian

KHAN ISMAIL

माता का नाम/Name of Mother

KHAN GULSHAN

पति या पत्नी का नाम/Name of Spouse

वर्तमान पता /Present Address

4250 FEDERAL DRIVE

BATAVIA, NEW YORK 14020

स्थायी पता /Permanent Address

HILL ROAD 3RD FLOOR BLOCK NO. 6

BANDRA, MUMBAI

PIN:400050, MAHARASHTRA, INDIA

पुराना पासपोर्ट नं./जारी करने की तिथि / पी आई ए /Old Passport No./Date of Issue/PIA

फाइल नं./File No.

Note: Please paste your unsigned recent color photograph Size 2"x2" and Signature/Left Hand Thumb Impression in the box provided above.

## APPLICANT DETAILS

Application Reference Number

19-2001888378

Applicant's Name

CYCLEWALA ISMAIL

Applicant's Alias Name

N

Alias Name1

Alias Name2

Applicant's Change In Name

N

Previous Name1

Previous Name2

Date of Birth (DD/MM/YYYY)

09/07/1967

Place of Birth (Village/Town/City)

BOMBAY

District

MUMBAI

State/UT

MAHARASHTRA

Country

INDIA

Gender

MALE

Marital Status

DIVORCED

Citizenship of India by

BIRTH

PAN

Voter Id

Employment Type

NOT EMPLOYED

Organisation name

Is either of your parent (in case of minor)/spouse, a government servant?

N

Educational Qualification

10TH PASS AND ABOVE

Are you eligible for Non-ECR category?

Y

Visible Distinguishing Mark

TATTOO LEFT ARM : DON

Aadhaar Number

**FAMILY DETAILS**

Father's Name

KHAN ISMAIL

Mother's Name

KHAN GULSHAN

Legal Guardian's Name

Spouse's Name

Father's Passport No

Father's Nationality

Mother's Passport No

Mothers's Nationality

**PERMANENT ADDRESS IN INDIA**

To be printed on EC

HILL ROAD 3RD FLOOR BLOCK NO. 6  
BANDRA, MUMBAI  
PIN:400050, MAHARASHTRA, INDIA

7162897565

JOSEPH.P.RADLEY@ICE.DHS.GOV

Mobile/Tel No.

E-mail

**PRESENT ADDRESS**

To be printed on EC

4250 FEDERAL DRIVE  
BATAVIA, NEW YORK 14020

USA

7162897565

Country

Mobile/Tel No.

**EMERGENCY CONTACT DETAILS**

Name and Address

JOSEPH RADLEY

Mobile/Tel No.

7162897565

E-mail

JOSEPH.P.RADLEY@ICE.DHS.GOV

**PREVIOUS PASSPORT****DETAILS OF LATEST HELD/EXISTING/LOST/DAMAGED  
ORDINARY PASSPORT/ IDENTITY CERTIFICATE**

N

Passport Number

Date of Issue

Date of Expiry

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Place of Issue

File Number

Previous Passport Status

**HAVE YOU EVER APPLIED FOR PASSPORT, BUT NOT ISSUED?**

N

File Number

Date of Issue

Name of passport office where applied

**DETAILS OF PREVIOUS/CURRENT  
DIPLOMATIC/OFFICIAL PASSPORT/IDENTITY  
CERTIFICATE**

N

Passport Number

Date of Issue

Date of Expiry

Place of Issue

Have you ever been charged with criminal proceedings or is any arrest warrant/summon pending before a court in India?

N

Court Name and Place

Case/FIR/Warrant Number

Law and Section(s)

Have you at any time during the period of 5 years immediately preceding the date of this application been convicted by a court in India for any criminal offence and sentenced to imprisonment for two years or more?

N

Court Name and Place

Case/FIR/Warrant Number

Law and Section(s)

Have you ever been refused/denied passport?

N

Reason for refusal or denial of passport

Has your passport ever been impounded or revoked?

N

Passport Number

Reason for impounding/revocation

Have you ever applied for or been granted political asylum to/by any foreign country?

N

Name of the country

Have you ever returned to India on Emergency Certificate (EC) or were ever deported or repatriated?

N

EC No.

Date of Issue

Issuing Authority

Country from where travelled on EC/deported/repatriated

Reason for issuing EC/deported/ repatriated

**SELF DECLARATION****I declare:**

- That I owe allegiance to the sovereignty, unity and integrity of India, and have not voluntarily acquired citizenship or travel document of any other country. I have not surrendered or been deprived of the citizenship of India and I affirm that the information given by me in this form and the enclosures is true and I am solely responsible for its accuracy, and I am liable to be penalized or prosecuted if

found otherwise. I am aware that under the Passports Act, 1967 it is a criminal offence to furnish any false information or to suppress any material information with a view to obtaining passport or travel document.

**I understand:**

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- That Ministry of External Affairs (MEA) (or its implementation partner agencies/stakeholders/third parties) may undertake required checks to confirm the accuracy and authenticity of evidence I have provided and documents I have submitted with this application.
- That the information I provide, including biometric data (if any), will be treated in confidence, but it may be disclosed to other government departments, agencies, local authorities, foreign governments, and other implementation partner agencies/stakeholders/third parties to enable MEA or those bodies to perform their duties.
- That providing biometric information, if collected as part of an application, is confirmation of my consent to getting the biometric information checked to verify identity.
- That the Passport and related services applications may be handled by the Indian Embassies/Consulates/ Passport Office/other offices including outside of the country in which I have applied and that this may involve the transfer of my application and supporting documents to and from the respective offices.
- That my details may, in certain circumstances, be passed to Police, Intelligence and other Fraud Detection & Prevention agencies. I also understand that such agencies may provide related information about me to MEA.

BATAVIA,  
Place NEW  
YORK

Date 28/10/2019

Signature/Left Hand Thumb Impression of Applicant  
(If applicant is minor, either parent to sign)

## Information required for Online Nationality Verification Module

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Name of the Mission / Post*		Photo of the person
NEW YORK		
<b>Personal Details</b>		
1. Full Name*		2. Aliases (if any)
ASLAM ISMAIL CYCLENALA		JAVED KHAN
3. Marital Status		4. Spouse Name
Divorced		SAMANTHA BROWN
5. Father Name*		6. Mother Name
ISMAIL EBRAHEM CYCLENALA		GULSHAN ISMAIL CYCLENALA
7. Sex* MALE		
8. Date of Birth 7/9/1969		
9. Place of Birth India		
10. Occupation IN PRISON		
11. Aadhaar Number		
12. Physical appearance		
Colour of Eye BLACK		
Height in c.m. 5ft. 10		
Others		
Visible Mark (if any) TATTOO ON LEFT ARM		
13. State of Health Good		
14. Indication of particularly dangerous person		
15. Present address (in foreign country, including Telephone Number)		
WORLD BOURNE C.F. 99 PRISON RD, PO BOX 1000, WORLD BOURNE, NY 12788		
16. Address in India* (including Telephone Number)		
B-302, VICTORIA GARDEN KALIANI NAGAR - PUNE. 41106		
District*	State*	PIN Code
	PUNE	
17. Previous Nationality		18. Language(s) spoken
		HINDI, ENGLISH

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19. Educational Institute/School			
ST. ANNE High School			
20. Child details (if any)			
Child name	Sex	Date of Birth	Place of Residence
21. Passport Details			
Passport No.	Date of Issue	Place of Issue	Date of Expiry
	1986	BOMBAY	
Passport lost Date	Was loss of passport reported (if yes, when and to whom)		Biometric data available (Yes/No)
1989	NO		
22. Visa Details			
Visa No.	Date of Issue	Place of Issue	Date of Expiry
	1986	BOMBAY	
23. Travel details			
Date of leaving India		Stay period (abroad)	Purpose of Travel
APRIL 27, 1986			TOURIST
24. Agent Name		25. Agent address (including Telephone Number)	
26. Reference Details			
Reference name		Reference address (including Telephone Number)	
27. Declaration			
• Has the person been prosecuted / convicted for any offence other than illegal migration or stay in the country?			Yes <input checked="" type="radio"/> No <input type="radio"/>
• Did the person, at any point, seek political asylum in the country?			Yes <input type="radio"/> No <input checked="" type="radio"/>
• Was the arrest of the person notified to the nearest Indian Mission / Post in the first instance?			Yes <input type="radio"/> No <input checked="" type="radio"/>
• Is the return of the person to India voluntary?			Yes / No
28. Photo upload (upto 400 KB, Image format: JPG)			
29. Documents upload			
File limit: 3      Total size limit: 2 MB      Format allowed: PDF			

\* Mandatory information required

\*\*\*



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PERFORMA FOR VERIFICATION OF NATIONALITY STATUS/ANTECEDENTS  
(PLEASE TYPE OR PRINT)

1. FULL NAME: ASLAM ISMAIL CYCLEWALA
2. ALIASES, IF ANY: JAVED KHAN
3. (a) FULL NAME OF FATHER: ISMAIL EBRAHIM CYCLEWALA  
(b) FULL NAME OF MOTHER: GULSHAN ISMAIL CYCLEWALA  
(c) FULL NAME OF SPOUSE: \_\_\_\_\_
4. DATE AND PLACE OF BIRTH: 7/9/1969, BOMBAY,  
(DD-MM-YYYY) (VILLAGE) (DISTRICT)
5. PRESENT OCCUPATION: In Prison
6. NATIONALITY: Indian
7. PRESENT ADDRESS IN USA: WOODBOURNE C.F. 99 Prison Rd  
PO BOX 1000, WOODBOURNE, NY 12788
8. COMPLETE PERMANENT ADDRESS IN INDIA: B-302 VICTORIA GARDEN  
KALYANI NAGAR, PUNE, 41106
9. DETAILS OF PASSPORT: PASSPORT NO: \_\_\_\_\_ DATE OF ISSUE: 1986  
PLACE OF ISSUE: \_\_\_\_\_ DATE OF EXPIRY: \_\_\_\_\_
10. VISIBLE DISTINGUISHING MARKS IF ANY: TATTOO ON LEFT FOREARM
11. DATE OF LEAVING INDIA: 1986, April 27th
12. PERIOD OF STAY ABROAD: 30 years
13. DATE OF LOSS OF PASSPORT: 1989
14. NAME & ADDRESS OF TWO RELATIVES / FRIENDS (AT THE PLACE OF PERMANENT RESIDENCE IN INDIA, Given in Sr.8 Above)  
(1) STRAJ MANSI MERCHANT - UNCLE  
B-302, VICTORIA GARDEN, KALYANI NAGAR  
(2) PUNE, 41106
15. NAME & ADDRESS OF TRAVEL AGENT INVOLVED IN SENDING THE INDIVIDUAL ABROAD: ICE/ERO Buffalo  
Deportation Officer Joseph Radley

NOTE: Please Complete all entries Legibly and fully: Incomplete Information will only lead to delay in the process of issuing passport.

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## FORMAT FOR REQUISITE PARTICULARS IN NATIONALITY STATUS VERIFICATION

FULL NAME	ASLAM ISMAIL CYCLEWA
PARENTAGE	GULSHAN KHAN (MOTHER) - Bombay, India Ismail Khan - India
ADDRESS IN INDIA	ALIEN DOES NOT HAVE AN ADDRESS PARENTS DECEASED
AADHAR NUMBER/PAN NUMBER OR ANY OTHER ID	ALIEN FAILED TO PROVIDE
PASSPORT NUMBER	ALIEN FAILED TO PROVIDE
REFERENCE IN INDIA I.E. NAME/ADDRESS	ALIEN FAILED TO PROVIDE
ALIEN NUMBER	091 350 968
REASON FOR DEPORTATION	FINAL ORDER OF REMOVAL
NSV NO	To be filled by Embassy/Consulate





## EMBASSY OF INDIA

Consular Wing

2536 Massachusetts Avenue, NW

Washington, DC 20008

Tel: (202) 939-9838 / 9806

Fax: (202) 387-6946

http://www.indianembassy.org

## APPLICATION FOR INDIAN PASSPORT

- ☐ 1. FOR A NEW PASSPORT ORDINARY TYPE
- ☒ 2. DUPLICATE PASSPORT IN LIEU OF LOST,  
STOLEN OR DAMAGED PASSPORT
- ☐ 3. ADDITIONAL PAGES /BOOKLET
- ☐ 4. CHANGE OF NAME/SURNAME
- ☒ 5. EMERGENCY TRAVEL DOCUMENT
- ☐ 6. CHANGE IN APPEARANCE

PASTE A  
PHOTO  
HERE

Note: This application can be used at the Embassy of India, Washington, DC or at any other Consulate General of India  
(PERSONAL CHECKS/CREDIT CARDS ARE NOT ACCEPTED)

(Fill in using Block Letters with Blue/Black Ink Only)

1. (a) FULL NAME (Expanded initials) <b>CYCLEWALA</b> (Last Name/Sur Name) <b>ISMAIL</b> (Middle Name) <b>ASLAM</b> (First Name)		(b) ALIASES, if any <b>JAVED KHAN</b>	
(c) HAVE YOU EVER CHANGED YOUR NAME? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please write your name in full <b>JAVED KHAN</b>		(d) MAIDEN NAME, in case applicant is a married woman	
2. PLACE OF BIRTH <b>INDIA</b>	3. COUNTRY OF BIRTH <b>INDIA</b>	4. DATE OF BIRTH <b>9 7 1969</b> (Day) / (Month) / (Year)	
5. SEX <b>MALE</b>	6. COLOR OF EYES <b>BLACK</b>	7. COLOR OF HAIR <b>SALT &amp; PEPPER</b>	8. HEIGHT <b>5. FT. 10</b>
9. VISIBLE DISTINGUISHING MARKS, if any <b>TATTOO ON LEFT ARM "DON"</b>		10. MARITAL STATUS <b>8 DIVORCED</b>	
11. PROFESSION <b>IN PRISON</b>			
12. BUSINESS/OFFICE ADDRESS: <b>—</b>		TEL NO.	
13. (a) FULL NAME OF FATHER <b>ISMAIL IBRAHEM CYCLEWALA</b>		NATIONALITY <b>INDIAN</b>	
(b) FULL NAME OF MOTHER <b>GULSHAN ISMAIL CYCLEWALA</b>		NATIONALITY <b>INDIAN</b>	
(c) NATIONALITY OF FATHER AT THE TIME OF APPLICANT'S BIRTH <b>INDIAN</b>		(d) NATIONALITY OF MOTHER AT THE TIME OF APPLICANT'S BIRTH <b>INDIAN</b>	
14. FULL NAME OF HUSBAND / WIFE <b>—</b>		NATIONALITY <b>—</b>	
15. WHEN DID APPLICANT FIRST LEAVE INDIA? <b>1986</b>		16. WHEN WAS HE/SHE IN INDIA LAST? <b>1986</b>	
17. HOW LONG HAS APPLICANT CONTINUOUSLY RESIDED ABROAD? <b>30 YEARS</b>		18. PRESENT IMMIGRATION STATUS <b>*ECR / ENCR**</b> (Please attach documentary evidence, such as copy of degree/green card) *Emigration clearance required **Emigration clearance not required	
(b) EDUCATIONAL QUALIFICATION (in order to determine emigration status)			
19. PERMANENT ADDRESS IN INDIA <b>B-302, VICTORIA GARDEN, KALYANI NAGAR, PUNE, 41106</b>		TEL. NO. <b>917768077867</b>	
20. (a) PERMANENT ADDRESS IN USA (attach 2 proofs of residence) (b) email <b>WOODBOURNE C.F. 99 PINE RD, PO BOX 1000, 12788</b>		TEL. NO. Home Work	
(b) ALIEN REGISTRATION CARD (GREEN CARD), EMPLOYMENT AUTHORIZATION CARD NUMBER <b>—</b> (Please attach a photocopy)			
21. PRESENT PASSPORT NO. <b>—</b> OR DAMAGED OR LOST PASSPORT NO.			
Date of Issue <b>—</b> Place of Issue <b>—</b> Date of Expiry <b>—</b>			

(THESE DETAILS MUST BE PROVIDED OTHERWISE APPLICATION WILL REMAIN UNPROCESSED)

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22. ARE YOU A CITIZEN OF INDIA BY  
☒ Birth ☐ Descent ☐ Naturalization ☐ Registration?

23. DID YOU EVER POSSESS ANY OTHER NATIONALITY OR TRAVEL DOCUMENT OF ANY OTHER COUNTRY? If so, please give details  
**NO**

24. IS THIS APPLICATION FOR A PASSPORT FOR THE  
 First time, or, ☐ New passport in replacement of an expired passport, or, ☒ Duplicate passport?

25. IF THIS APPLICATION IS FOR A DUPLICATE PASSPORT, WAS THE PREVIOUS PASSPORT LOST OR DAMAGED? (If damaged, please attach damaged passport)  
**LOST**

26 (a) NAME OF APPLICANT'S ELDEST SON OR DAUGHTER (First child)  
 \_\_\_\_\_

(b) NAME OF APPLICANT'S ELDEST BROTHER OR SISTER  
 \_\_\_\_\_

27 WERE YOU EVER REFUSED A PASSPORT? ☐ Yes ☒ No WAS YOUR PASSPORT EVER ORDERED TO BE IMPOUNDED OR REVOKED? ☐ Yes ☒ No  
 If answer to any of these questions is YES, please enclose a copy of the official communication received by you and give other details

28. LOCAL DRIVER'S LICENSE NUMBER OR ANY OTHER IDENTIFICATION (Please attach a photocopy)  
 Date of issue \_\_\_\_\_ Place of issue \_\_\_\_\_

29. IS APPLICANT IN  
☐ Govt. service ☐ public undertaking service ☐ statutory bodies service of India?  
 If so, please give details and enclose "No Objection Certificate" from your employer in original.

30 (a) ARE ANY CRIMINAL PROCEEDINGS PENDING AGAINST APPLICANT IN ANY COURT IN INDIA? If so, please give details.  
**NO**

(b) HAS APPLICANT EVER BEEN REPATRIATED FROM ABROAD TO INDIA AT THE EXPENSE OF GOVT. OF INDIA? If so, please give details  
**NO**

31. (a) BRIEFLY STATE CIRCUMSTANCES OF LOSS/THEFT/DAMAGE OF PASSPORT AND ATTACH REPORT LODGED WITH THE LOCAL POLICE IN CASE OF LOSS OF PASSPORT. (Please attach your explanation on a separate sheet of paper)

(b) DETAILS OF RESTRICTION, IF ANY, PUT ON APPLICANT'S DAMAGED/LOST PASSPORT

(c) DID APPLICANT AVAIL OF TRANSFER OF RESIDENCE, FOREIGN TRAVEL SCHEME FACILITY ON LOST/DAMAGED PASSPORT? If so, please give details.

32. MODE OF PAYMENT:  
 Cash / Money order / Certified check # \_\_\_\_\_; Amount US \$ \_\_\_\_\_  
**CASH IS ACCEPTED ONLY AT THE COUNTER**

33. DECLARATION:  
 I solemnly affirm that  
 (i) I owe allegiance to the sovereignty and integrity of India, and  
 (ii) Information given above in respect of myself, my son/daughter/ward is correct and nothing has been concealed and I am aware that it is an offense under the Passport Act 1967 to knowingly furnish false information or suppress material information, which attract penal and other punishments under the acts.  
 (iii) I undertake to be entirely responsible for expenses of my son/daughter/ward.  
 (iv) I have not lost, surrendered or been deprived of my citizenship of India. I have not voluntarily acquired the citizenship of another country.  
 (v) The information furnished by me in this form is correct.  
 (vi) I have neither applied for, nor been granted asylum.  
 (vii) I have read the passport guidelines, fees and mailing information carefully.

*Aslam Dmail cyclawala*  
 (Signature or thumb impression of applicant or his/her legal guardian/parent)  
 (Left thumb impression of male and right thumb impression of female)

Place \_\_\_\_\_

Date: \_\_\_\_\_

TWO SPECIMEN SIGNATURES OF APPLICANT ONLY (Thumb impressions, in case of an infant)

*Aslam Dmail cyclawala*

*Aslam Dmail cyclawala*

APPLICATION WILL REMAIN UNPROCESSED WITHOUT APPLICANT'S SPECIMEN SIGNATURES

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**Note: (i) Return mailing charges or a self addressed stamped envelope for return of documents by post must accompany every application to be returned by mail. Postal Charges are \$7/- for priority mail and \$ 15/- for express mail. In the absence of prepaid mailing charges or self addressed duly stamped envelope the documents will not be dispatched by post/courier.**

PAGE 3 OF 3

प्रमाणपत्र क्रमांक

/ Certificate No.752597287

नमुना-4/ Form-5



महाराष्ट्र शासन  
GOVERNMENT OF MAHARASHTRA  
आरोग्य विभाग  
HEALTH DEPARTMENT



बृहन्मुंबई महानगरपालिका  
MUNICIPAL CORPORATION OF GREATER MUMBAI

जन्म प्रमाणपत्र  
BIRTH CERTIFICATE

(जन्म व मृत्यु नोंदणी अधिनियम, १९६९ मधील कलम १२/१७ आणि महाराष्ट्र जन्म आणि मृत्यु नोंदणी नियम, २००० चे नियम ८/१३ अन्वये देण्यात आले आहे.)

(Issued under section 12/17 of the Registration of Births & Death Act, 1969 and Rule 8/13 of the Maharashtra Registration of Births and Deaths Rules, 2000.)

प्रमाणित करण्यात येत आहे की, खालील माहिती जन्माच्या मूळ अभिलेखाच्या नोंदवहीतून घेण्यात आली आहे, जी की बृहन्मुंबई महानगरपालिका, तालुका Ward HW, जिल्हा मुंबई, महाराष्ट्र राज्याच्या नोंदवहीत उल्लेख आहे

This is to certify that the following information has been taken from the original record of birth which is the register for Municipal Corporation of Greater Mumbai of Ward HW of District Mumbai of Maharashtra State.

बाळाचे नाव /

Name of Child : ASLAM

लिंग/

Sex : Male

जन्म दिनांक / वेळ/

Date of Birth/Time: 09.07.1969/ 00:00

जन्म ठिकाण/

Place of Birth : Mumbai

आईचे पूर्ण नाव/

Name of Mother : Mrs. GULSHAN . .

वडिलांचे पूर्ण नाव/

Name of Father : Mr. ISMAIL . .

बाळाच्या जन्माच्या वेळी

आई वडिलांचा पत्ता/

Address of parents at the time of birth of the child :

HILL ROAD 3RD. FLOOR BLOCK NO. 6,  
BANDRA [W],  
MUMBAI, 400050,  
Maharashtra, India.

Permanant Address of Parents :

HILL ROAD 3RD. FLOOR BLOCK NO. 6,  
BANDRA [W],  
MUMBAI, 400050,  
Maharashtra, India.

नोंदणी क्रमांक/

Registration No. : HW7391

नोंदणी दिनांक/

Date of Registration : 07.08.1969

शेरा/

Remarks (if any) :

प्रमाणपत्र दिल्याचा दिनांक/

Date of Issue : 26.09.2016



शिक्का/ Seal

निर्गमित करणा-या प्राधिका-याची सही/

Signature of the Issuing Authority :

प्राधिका-याचा पत्ता/

Address of the Issuing Authority : ASSISTANT MEDICAL OFFICER  
SUB-REGISTER OF BIRTH AND DEATH  
H/WEST, WARD.



Office of Enforcement and Removal Operations

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536U.S. Immigration  
and Customs  
EnforcementCYCLEWALA, Aslam  
C/O Immigration and Customs Enforcement  
Buffalo Field Office

A091 350 968

**Decision to Continue Detention**

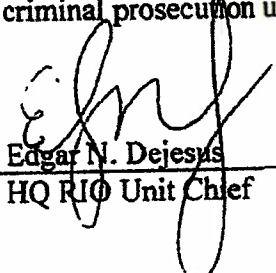
This letter is to inform you that the U.S. Immigration and Customs Enforcement (ICE) has reviewed your custody status and determined that you will not be released from custody at this time. This decision was based on a review of your file record, personal interview and consideration of any information you submitted to ICE reviewing officials and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

You are a native and citizen of India who last entered the United States on January 1, 1986, as Non-Immigrant in New York, New York. On February 13, 1991, you were convicted by the Queens County Supreme Court in Queens, New York, of second-degree murder, kidnapping, robbery and possession of a weapon. On May 15, 1995, you were issued an Order of Removal by an Immigration Judge.

ICE is currently working with the government of India to secure a travel document for your removal from the United States. A travel document from the Government of India is expected, and ICE has reason to believe there's a significant likelihood that your removal will occur in the reasonably foreseeable future, therefore you are to remain in ICE custody at this time, as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied.

This decision, however, does not preclude you from bringing forth evidence in the future to demonstrate a good reason why your removal is unlikely. You are advised that pursuant to Section 241(a)(1)(C) of the Immigration and Nationality Act (INA) you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with ICE efforts to remove you by taking whatever actions ICE requests to affect your removal.

You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC § 1253(a).

  
Edgar N. Dejesus  
HQ RIO Unit ChiefAugust 26, 2021  
Date

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

CYCLEWALA, Aslam  
C/O Immigration and Customs Enforcement  
Buffalo Field Office

A091 350 968

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Edgar N. Dejesus  
HQ RIO Unit Chief

EDGAR N  
DEJESUS JR

Digitally signed by EDGAR N  
DEJESUS JR  
Date: 2021.04.06 13:32:46  
-04'00'

April 6, 2021  
Date

**ST. ANNE'S HIGH SCHOOL**

TEL. NO. 26486273

PALI HILL, BANDRA, MUMBAI - 400 050.

**TO WHOMSOEVER IT MAY CONCERN**

This is to certify that Mr. Cyclewala Aslam was a bonafide student of our school in the Primary section for the period from 10/06/1974 to 31/05/1979. His Primary school General Register No. is 2110.

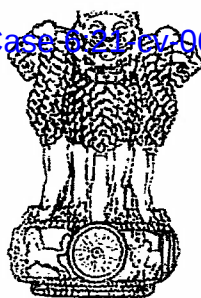
Mr. Cyclewala Aslam then continued his studies in the Secondary Section till 31/05/1984. His Secondary school Gen Register no. was 2658.

According to the School Registers his date of birth is 09/07/1969 (Ninth July nineteen sixty nine) and his place of birth is Bombay.

Date : 26/09/2017.

*M. Fernandes*

Mrs. Marilyn Fernandes  
HEADMISTRESS  
St. Anne's High School,  
Pali Hill, Bandra, Mumbai-400 050.

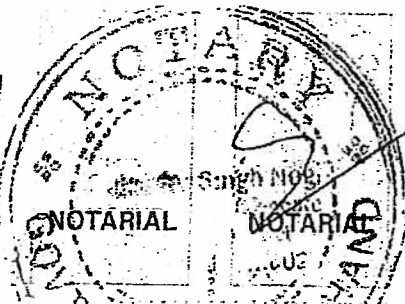
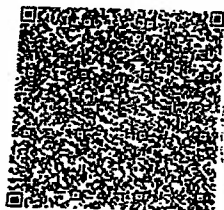


सत्यमेव जयते

## Government of Uttarakhand

## e-Stamp

Certificate No. : IN-UK13819319098505T  
Certificate Issued Date : 17-Feb-2021 04:34 PM  
Account Reference : NONACC (SV)/ uk1200704/ DEHRADUN/ UK-DH  
Unique Doc. Reference : SUBIN-UKUK120070431161407154032T  
Purchased by : SANJEEV DUTTA  
Description of Document : Article 4 Affidavit  
Property Description : NA  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : SANJEEV DUTTA  
Second Party : NA  
Stamp Duty Paid By : SANJEEV DUTTA  
Stamp Duty Amount(Rs.) : 10  
(Ten only)



Please write or type below this line

2  
श्रीमती श्वेता गुप्त  
राज्य विस्तार  
नगर प्रशासन

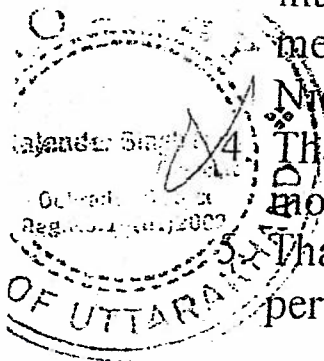


AFFIDAVIT

AFFIDAVIT OF SHRI SANJEEV DUTTA S/O LTCOL. S.P DUTTA  
R/O 63-A ARVIND MARG DEHRADUN 248001.

.....Deponent  
I, the above named deponent do hereby take oath and state as  
under:-

1. That the name and address of the deponent is true and correct.
2. That the deponent has been moving to various places in his training while he was in Bombay (now Mumbai) during 1983-84 doing his schooling. the deponent met with his Aslam Cyclewala aka Javed Khan S/o Ismail Cyclewala he lived on hill road 3<sup>rd</sup> floor block 6 Bandra Mumbai west Mumbai 400050 Maharashtra India.
3. That he was studying in ST. Anne High School. deponent played in a cricked team which often played with the team which played in. he is friendly and gave me chance ot interact with his several time. I also had an opportunity to meet with one of Aslam's friend Ms. Shauna Aijazlira and Nicola Mustaq. who became to me as a friend/acquaintance.
4. That the deponent finished his consignment in Mumbai and moved away in 1984-85.
5. That apparently, Mr. Aslam Cyclewala moved to the US permanently where he opted to live and lead a family life.



.....Deponent

**Verification:-**

Verified at Dehradun on this 17.02.2021 that the contents of the above paras of this affidavit are true and correct to my personal knowledge and belief.

This affidavit is sworn before me by  
Shri .....  
who is identified by Shri .....  
at Dehradun on .....

(Rajender Singh Negi)

.....Deponent

Rahim Charania  
A903 Yuva Apartments  
Hill Road, Bandra (w)  
Mumbai 400050 - India  
+91 77100 44031  
indiorehman@gmail.com

March 4, 2021

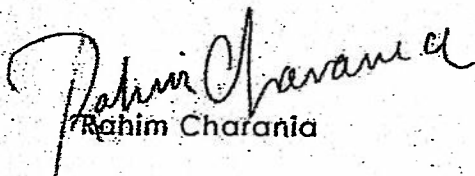
**RE.: ASLAM ISMAIL CYCLEWALA**  
**A#091 350 968**

**TO WHOM IT MAY CONCERN:**

I am writing this letter on behalf of Aslam Ismail Cyclewala whom I've known since his childhood in the 70s. Me and Aslam's father were very good friends. I am the spiritual head of the Ismaili Shia Muslim and our mosque is based out of the suburbs of Mumbai. When Aslam is deported back to Mumbai, he is welcome to stay at our guest house till he finds a place of his own. I have instructed members of our congregation and they will help him find employment too.

If you have any questions or concern please feel free to reach out to me. Thank you.

Sincerely,

  
Rahim Charania

Ganpath Deshmukh  
454, Gopal Apartment  
Yari Road, Versova, Andheri (w)  
Mumbai 400061  
INDIA

+91 97691 31880

Monday, March 1, 2021

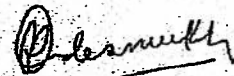
**Subject: Aslam Ismail Cyclewala**  
**A#091 350 968**

TO WHOM IT MAY CONCERN:

This letter is written on behalf of Aslam Ismail Cyclewala. Aslam and me were classmates at St. Annie's High School in Bandra, Mumbai. I am aware of his situation and we have been in constant touch for years now. I was informed by his family that he's having trouble getting deported due to verification issues. I've known him since we were kids at St. Anne's and were very close. I am giving personal guarantee that he will stay with me if he couldn't find a place to stay. I run a tempo renting business and would love for him to join my company and work at our office here in Mumbai.

Hope this letter suffice and if there's anything else from my side you require please contact me at the above mobile number. Thank you

Respectfully Submitted,



Ganpath Deshmukh

TO: Consulate General of Bangladesh  
34 - 18 northern Blvd.  
Queens, NY 11101

FROM: Aslam Cyclewala A.K.A. Javed Khan  
A# 091-350-968

RE: Temporary Stay, Asylum

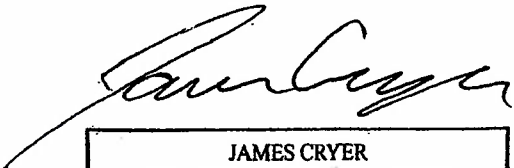
DEAR SIR / MADAM,

I am a citizen of India. Currently I am at Batavia Detention Facility. I have been here for over a year. I have been waiting for Travel Documents from India and it is Pending. They are not going to issue any Travel Documents because they cannot identify me.

I have been in NY state prison for 30 years. I had committed some crimes and I paid my to debt to society. I was paroled by NY state parole. I am no longer the same person that committed those crimes, I am not a threat to society. Once I get settled in your country I will be a productive tax paying citizen, and not a burden. So please Issue me Travel Document to Your Country. Please give me a chance.

Thank You,

Aslam cyclewala 2-26-21  
Aslam Ismail Cyclewala A/K/A Javed Khan

  
JAMES CRYER  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01CR6406465  
Qualified in Genesee County  
My Commission Expires March 30, 2024



TO: Consulate General of Pakistan of NY  
12 E 55 Street  
New York, NY 10065

FROM: Aslam Cyclewala A.K.A. Javed Khan  
A# 091-350-968

RE: Temporary Stay, Asylum

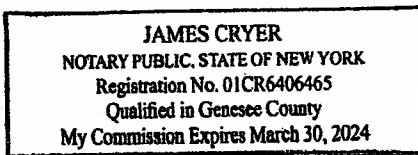
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Thank You,

Aslam cyclewala 2-26-21  
Aslam Ismail Cyclewala A/K/A Javed Khan



TO: Consulate General of Trinidad & Tobago  
125 Maiden Lane # 4  
New York, NY 10038

FROM: Aslam Cyclewala A.K.A. Javed Khan  
A# 091-350-968

RE: Temporary Stay, Asylum

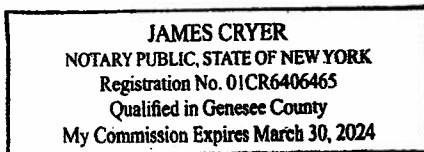
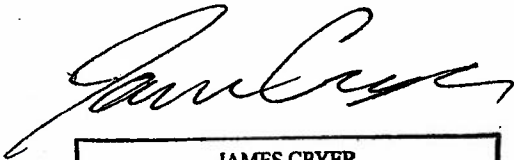
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Thank You,

Aslam cyclewala 2-26-21  
Aslam Ismail Cyclewala A/K/A Javed Khan



TO: Consulate General of Mexico  
27 E. 39 Street  
New York, NY 10016

FROM: Aslam Cyclewala A.K.A. Javed Khan  
A# 091-350-968

RE: Temporary Stay, Asylum

DEAR SIR / MADAM,

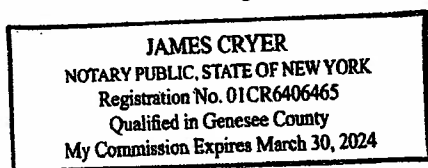
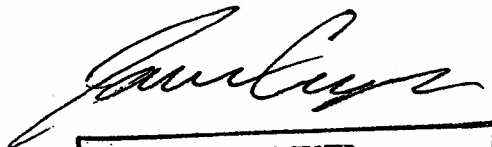
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Thank You,

*Aslam Cyclewala* 2-28-21

Aslam Ismail Cyclewala A/K/A Javed Khan



TO: Consulate Of Dominican Republic  
1501 Broadway - Floor 4R  
New York, NY 10036

FROM: Aslam Cyclewala A.K.A. Javed Khan  
A# 091-350-968

RE: Temporary Stay, Asylum

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*Aslam Cyclewala 2-21-21*

Aslam Ismail Cyclewala A/K/A Javed Khan

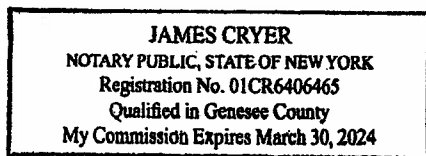
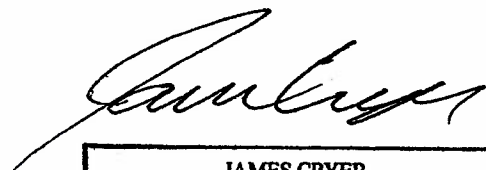




EXHIBIT C1  
Erica Khan Williams

February 16, 2021

Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Re: Aslam Ismail Cyclewala aka Javed Khan A#091350968

Dear Governor Cuomo,

I am writing to humbly request a pardon for my husband, Aslam Cyclewala. Given the propensity of the evidence here within, there is massive cause for review of my husband's case. In December of 2019, after being granted parole with conditional deportation in 2016 & 2018, he was given an open dated parole. Our happiness was short lived when ICE picked him up on February 11th 2020 (from NYSDOC) and he is being held at Buffalo federal detention center in Batavia, NY presently. My husband and I have written to you in the past, as well as the Indian Consulate, and various ICE officers since early 2017.

In 2017 our point of contact was D.O. Andrew Beck, we cooperated with all requests for information and Andrew Beck, despite many efforts, was unable to obtain travel documents for deportation. In 2018 D.O. Joseph Radley took the case over, and again we cooperated fully. ICE was still unable to obtain travel documents.

Aslam has had a three-month and a six-month hearing by ICE- both of which were denied due to the "nature of the crime"; which is something that will/can't never be change. William Smith, one of your longest and most stringent parole judges, finally granted him an open parole after 31 years in custody. Now ICE has had him for more than a year without obtaining travel documents for deportation.

Most recently, we lost a habius corpus because the honorable Elizabeth Wolford did not take into consideration that my husband and I have been fully cooperating with ICE for over 3 years! His current deportation officer, Brent Stothers, claimed to not know Aslam's full birth name until 2020. Andrew Beck, Joseph Radley, the Indian Consulate, and your staff has had this information since 2017.

Honorable Andrew M. Cuomo

February 16, 2021

Page 2

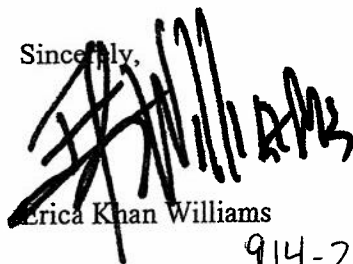
I am not a lawyer, judge, or constitutional scholar, but plausible deniability cannot be applied in this case. If my husband, our lawyer and I cannot trust the courts to read the documents they receive then how are we to be guaranteed a fair and honest decision? Despite my lack of formal education, I know an abuse of power when I see it.

In addition to the supporting documents regarding deportation and/or release, I have also attached Aslam's risk assessment from NYSDOC. You will see his recidivism rate is nearly 0%. He has the motivation and ability to be an asset to society. His behavior while incarcerated demonstrates this as well, as you will see from the letters of support and certificates for various accomplishments that I've attached.

I understand that you have an immense pressure to look after your constituents, and this may not concern you due to his immigration status, but Aslam has lived in New York for 80% of his life. I submit this statement as a human being, my husband and I are not children; we are seniors with health issues and a resulting time constraint. We wish for some time together, that is not a recorded phone conversation. He has been held for 32 years, many of which were used for reflection and redemption from the heinous crime he committed in his youth. These last few years has been a psychological form of torture, with no just cause. Deportation or release are the only legal and moral options at this time. If ICE cannot obtain travel documents in the "Foreseeable reasonable future", they must release him.

I cannot express my gratitude for looking into this matter. For you and the rest of the government this is not a pressing issue, however for my family it is the most pressing of issues and consumes our daily lives. Our case is not so different from other ICE detainees, unfortunately the profuse mistreatment in the immigration system is not something new. We are proud New Yorkers as well as Americans, moreover we are humans and should be treated humanely. Any and all consideration is very much appreciated.

Sincerely,



Erica Khan Williams

914-223-2219

Secondchances1NYSDOC@gmail.com



# PASSPORT

Title \*

Mr.

Name of the applicant \*

Aslam Ismail Cyclewala

State \*

New York

Select area of Passport Query \*

Status of Application

Passport Number \*

26041986APRIL261986

Date of Birth (Applicant) \*

09/07/1969



USAN Number

april261986

Please indicate USAN number to know the status of your Application

Application Ref Number (ARN)

cgny-qjelu93700

The Application Reference Number field may only contain alpha-numeric characters. To know the status of your application, you must indicate the Application Reference Number (ARN) found below the barcode at the top right corner of your application

Mobile Number \*

9142232219

Email \*

secondchances1nysdoc@gmail.com

Date of Application/Submission to VFS

04/03/2021



Please explain your issue in brief (250 Words) \*

left 2 messages & even visited the NYC Indian Consulate today March 29,2021 and was told no appts avail, and no walk-ins. Primit ID CGNY-QY-GJELU93700 Please assist me as to what I need to do next, if anything. Thank you

Supporting documents (If Any)

Choose Files No file chosen

you can select maximum up to 4 attachments



I'm not a robot

reCAPTCHA  
Privacy - Terms

SUBMIT

CANCEL([HTTPS://PRAMIT.INDIAINNEWYORK.GOV.IN/CONSULARMENU](https://pramit.indiannewyork.gov.in/consularmenu))



भारत का प्रधान कौंसुलावास, न्यू यॉर्क  
**Consulate General of India**  
New York, USA  
Serving the States of : Connecticut, Maine, Massachusetts,  
New Hampshire, New Jersey, New York, Ohio  
Pennsylvania, Rhode Island and Vermont



## Consular

**Pramit ID : CGNY-QY-GJELU93700**

**Name : Mr.Aslam Ismail Cyclewala**

**Type : Passport**

**Query : need travel documents to be deported to India**

**Current Status Pending**

**User - Aslam Ismail Cyclewala : (11-03-2021 08:06 PM)**

Any Chance I Can Make An Appointment To Come In And Speak With Someone Who Can Help Me? I Saw Online That There Are No "Walk Ins". Please Advise. Thank You

**User - Aslam Ismail Cyclewala : (25-03-2021 01:48 PM)**

Please Give Me An Update On My Passport Request



भारत का प्रधान कौंसुलावास, न्यू यॉर्क  
**Consulate General of India**  
New York, USA  
Serving the States of : Connecticut, Maine, Massachusetts,  
New Hampshire, New Jersey, New York, Ohio,  
Pennsylvania, Rhode Island and Vermont



## Consular

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**Name : Mr.Aslam Ismail Cyclewala**

**Type : Passport**

**Query : need travel documents to be deported to India**

**Current Status Pending**

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भारत का प्रधान कौंसुलावास, न्यू यॉर्क  
**Consulate General of India**  
New York, USA  
Serving the States of : Connecticut, Maine, Massachusetts,  
New Hampshire, New Jersey, New York, Ohio,  
Pennsylvania, Rhode Island and Vermont



## Consular

<b>Pramit ID</b>	<b>: CGNY-QY-GJELU93700</b>
<b>Name</b>	<b>: Mr.Aslam Ismail Cyclewala</b>
<b>Type</b>	<b>: Passport</b>
<b>Query</b>	<b>: need travel documents to be deported to India</b> .
<b>Current Status</b>	<b>Pending</b>

Replied asking 4 an  
Appt.



## Confirmation of Query Registration with PRAMIT ID: CGNY-QY-GJELU93700

1 message

**PRAMIT (Helpline), CGI, New York.** <noreply@pramit.co.in>

Thu, Mar 4, 2021 at 3:09 PM

Reply-to: noreply@pramit.co.in

To: secondchances1nysdoc@gmail.com

Welcome to Consulate General Of India, New York

Dear Aslam Ismail Cyclewala,

**Your PRAMIT has been successfully submitted. Your PRAMIT Confirmation ID : CGNY-QY-GJELU93700.**

If you want to check the progress of your PRAMIT or if you have any further questions for PRAMIT, Please [click here](#).

**Please do not reply to this e-mail.**

**Thanks & Regards,  
Consulate General of India  
3 East 64th Street,  
New York, NY.  
Tel No. for all enquiries : +1 347-721-9243**







---

**Aslam Cyclewala aka Javed Khan A091350968**

4 messages

---

**Ek williams** <ekwilliams5283@gmail.com>

Fri, Jan 22, 2021 at 3:35 PM

To: info@jfmfwny.org

Hi,

My husband has been a detainee in Buffalo Detention Center in Batavia since 2/10/2020  
He's been flown all over the U.S. under the "guise" that he's going to be deported. I've just tested positive for Covid 19 and the stress/lies/length of detainment is awful/stressful.

Nick Phillips suggested I write to you and tell you a little about our experience with ICE.

Any and all help would be greatly appreciated.

Thank you.

Please read the attached affidavit my husband submitted to Judge E Wolford.



**Supp Dec AC.pdf**

234 KB

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**Info Justice for Migrant Families** <info@jfmfwny.org>

Mon, Jan 25, 2021 at 9:49 AM

To: Ek williams <ekwilliams5283@gmail.com>

Hello,

I am sorry to hear about your experiences and what is happening to your husband.

I was wondering if you have time to talk on the phone this week?

What language do you prefer? English? Hindi?

We are a community organization that does support for people in immigrant detention.

If you would like us to speak directly with Nick Phillips also, please ask your husband to mail a letter to Nick Phillips that says: I give you permission to talk to Justice for Migrant Families about my case.

thank you,

Jennifer

[Quoted text hidden]

---

**Ek williams** <ekwilliams5283@gmail.com>

Mon, Jan 25, 2021 at 4:51 PM

To: Info Justice for Migrant Families <info@jfmfwny.org>

Hi Jennifer,

Thank you for the reply. I'd love to speak to you. English is my first language. When's a good time to call?  
I'm available before 10am and after noon every day this week.

Nick Phillips became my "friend" helping me through this ordeal.

Robert Graziano, from Buffalo is our attorney on record.

Let's speak this week. Let me know which day & time works for and I'll call. And phone number you'd like me to call.

Thank you so much.

Erica

[Quoted text hidden]

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**Info Justice for Migrant Families** <info@jfmfwny.org>

Thu, Feb 4, 2021 at 4:33 PM

To: Ek williams <ekwilliams5283@gmail.com>

Hello,

I am sorry for the delay- I missed your reply.

My number is 716 550 9393,

You could try me tomorrow,

Jennifer

[Quoted text hidden]



## Confirmation of Query Registration with PRAMIT ID: CGNY-QY-GJELU93700

1 message

**PRAMIT (Helpline), CGI, New York.** <noreply@pramit.co.in>

Thu, Mar 4, 2021 at 3:09 PM

Reply-to: noreply@pramit.co.in

To: secondchances1nysdoc@gmail.com

Welcome to Consulate General Of India, New York

Dear Aslam Ismail Cyclewala,

**Your PRAMIT has been successfully submitted. Your PRAMIT Confirmation ID : CGNY-QY-GJELU93700.**

If you want to check the progress of your PRAMIT or if you have any further questions for PRAMIT, Please [click here](#).

**Please do not reply to this e-mail.**

**Thanks & Regards,  
Consulate General of India  
3 East 64th Street,  
New York, NY.  
Tel No. for all enquiries : +1 347-721-9243**





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## Aslam Cyclewala aka Javed Khan A 091 350 968

1 message

**Ek williams** <ekwilliams5283@gmail.com>

Sat, Feb 27, 2021 at 4:56 PM

To: media@nyclu.org, westernregion@nyclu.org

Hi,

I read the recent "win" regarding the detainees at the BFDF about the vaccinations. Thank you for any and all help/assistance you are trying to provide these men and women.

My husband has been being held at BFDF for over a year and we just got our Fed Habs denied by Judge Wolford. Even though we submitted proof of our cooperation from 2017 with ICE and our many letters to Gov Cuomo, the Indian Consulate, and so on, she still believes that my husband was the main reason for the delay in his deportation. That he didn't/hasn't cooperated with getting himself deported. We aren't fighting his deportation. We are fighting his being held longer than he has been. And that he has been very cooperative and actively seeking travel docs for his deportation. ICE is still claiming that his deportation will take place in the "foreseeable, reasonable future". If they haven't been able to obtain the travel docs for almost 4 years, this is NOT reasonable!

On his recent "Covid review" from ICE, it states that he has "chronic kidney disease" (copy attached) only detainment continued. His dorm was recently hit with several guys testing positive and they were just put into a "covid dorm". That's how ICE manages the positive results. It's quite obvious that the facility is NOT equipped to medically manage this!!!

We don't know what to do. We paid an attorney to file the Habs that was just denied and we have no other funds to proceed.

What are we to do? This is the main reason for my writing to you. We need help and direction.

Thank you very much for any and all assistance you or anyone else can do for us.

Erica Khan Williams  
914-223-2219



**covid custody review ICE.jpg**

821 KB



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**javed Khan A# 091350968**

3 messages

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**Ek williams** <ekwilliams5283@gmail.com>  
To: Nicholas Phillips <np@phillipspllc.com>

Fri, Feb 26, 2021 at 1:52 PM

Hi Nick,

I hope this email finds you well. I'm sorry to bother you again, only thankfully you do reply.

Last year, when you and John Peng were in court trying to get assistance for the detainees with underlying health issues/age restrictions, etc, did the judge rule/compromise about guys being put into single cells when someone in their direct area/dorm tested positive?

I recall, unfortunately, there weren't many "wins" only I thought one of them had to do with single cells.

Javed received a "Covid review" stating that he had "chronic kidney disease" only denying his release.

We did file the FOIA as suggested. Just waiting on it. I've been in contact (via email) with the Indian Consulate trying to obtain a duplicate passport, or any other information proving to ICE that we've been very proactive in his deportation now and since 2017!! The judge stated that Javed is the reason for the delay...NOT ICE.

Javed's dorm just got several guys tested positive. They removed these guys and placed them somewhere else in the jail, only now his "bunkie" isn't feeling well.

Also, I left 2 messages with Dan Jackson and sent an email only I haven't heard anything back yet.

Thanks again for any and all your help.

Best-  
Erica Khan

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**Nicholas Phillips** <np@phillipspllc.com>  
To: Ek williams <ekwilliams5283@gmail.com>

Fri, Feb 26, 2021 at 3:08 PM

Hi Erica – the *Jones* case is back up and running now that there are new cases at BDFD. There was a hearing yesterday and the judge issued a new order. Details are here:

<https://www.nyclu.org/en/press-releases/judge-orders-ice-develop-vaccination-plan-people-ice-custody-ny>

I would reach out to the people listed in the above press release, they should be able to direct you to the right people working on the case. I know a lot has changed in Batavia since I left PLS so I'm afraid I don't know exactly what protections people are getting right now.

Hope that helps and good luck,

Nick

[Quoted text hidden]

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**Ek williams** <ekwilliams5283@gmail.com>  
To: Nicholas Phillips <np@phillipspllc.com>

Fri, Feb 26, 2021 at 4:33 PM

Hi Nick-

Thank you very much for that information. I will absolutely contact some of the named parties.

Finally, something decent decided for these detainees.

Appreciate your help.

**Erica**

[Quoted text hidden]



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## Aslam Cyclewala aka Javed Khan A# 091350968

1 message

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**Ek williams** <secondchances1nysdoc@gmail.com>

Fri, Feb 26, 2021 at 2:54 PM

To: baec@eriebar.org, info@legalaidbuffalo.org, isanchez@vlsprochester.org

Hello,

My name is Erica Khan Williams and my husband is being held at the Buffalo Federal Detention Center in Batavia, NY for over 1 year.

We were just denied our Fed Habs Corpus and Covid has just entered his dorm. He is 53 years old and has "Chronic Kidney Disease".

I've attached a "summary" of my husband's situation and I don't know where to turn for help, direction, etc. I'm VERY concerned now that Covid has hit his dorm directly. These facilities are NOT able to give these men and women the proper medical treatment besides caring about them in any way.

Please review the attached. If there is any help, suggestions, etc, please let me know. Thank you.

Erica Khan



**Supp Dec AC.pdf**

234 KB



## Confirmation of Query Registration with PRAMIT ID: CGNY-QY-IWOYH89720

1 message

**PRAMIT (Helpline), CGI, New York.** <noreply@pramit.co.in>

Fri, Feb 19, 2021 at 8:53 PM

Reply-to: noreply@pramit.co.in

To: secondchances1nysdoc@gmail.com

Welcome to Consulate General Of India, New York

Dear Erica Khan Williams,

**Your PRAMIT has been successfully submitted. Your PRAMIT Confirmation ID : CGNY-QY-IWOYH89720.**

If you want to check the progress of your PRAMIT or if you have any further questions for PRAMIT, Please [click here](#).

**Please do not reply to this e-mail.**

**Thanks & Regards,  
Consulate General of India  
3 East 64th Street,  
New York, NY.  
Tel No. for all enquiries : +1 347-721-9243**







## Response of CGI, NY on PRAMIT ID : CGNY-QY-EWJOG89488

1 message

**PRAMIT (Helpline), CGI, New York.** <noreply@pramit.co.in>

Fri, Feb 19, 2021 at 3:59 PM

Reply-to: noreply@pramit.co.in

To: secondchances1nysdoc@gmail.com

Welcome to Consulate General Of India, New York

Dear Aslam Ismail Cyclewala aka Javed Khan,

Please raise your query in PRAMIT under Passport to assist you further. ✓

**Please do not reply to this e-mail.**

Thanks & Regards,  
Consulate General of India  
3 East 64th Street,  
New York, NY.  
Tel No. for all enquiries : +1 347-721-9243





## Confirmation of Query Registration with PRAMIT ID: CGNY-QY-VJHZC89617

1 message

**PRAMIT (Helpline), CGI, New York.** <noreply@pramit.co.in>

Fri, Feb 19, 2021 at 2:09 PM

Reply-to: noreply@pramit.co.in

To: secondchances1nysdoc@gmail.com

### Welcome to Consulate General Of India, New York

Dear Erica Khan Williams,

**Your PRAMIT has been successfully submitted. Your PRAMIT Confirmation ID : CGNY-QY-VJHZC89617.**

If you want to check the progress of your PRAMIT or if you have any further questions for PRAMIT, Please [click here](#).

**Please do not reply to this e-mail.**

**Thanks & Regards,  
Consulate General of India  
3 East 64th Street,  
New York, NY.  
Tel No. for all enquiries : +1 347-721-9243**





## Confirmation of Query Registration with PRAMIT ID: CGNY-QY-EWJOG89488

1 message

**PRAMIT (Helpline), CGI, New York.** <noreply@pramit.co.in>

Fri, Feb 19, 2021 at 8:50 AM

Reply-to: noreply@pramit.co.in

To: secondchances1nysdoc@gmail.com

Welcome to Consulate General Of India, New York

Dear Aslam Ismail Cyclewala aka Javed Khan,

**Your PRAMIT has been successfully submitted. Your PRAMIT Confirmation ID : CGNY-QY-EWJOG89488.**

If you want to check the progress of your PRAMIT or if you have any further questions for PRAMIT, Please [click here](#).

**Please do not reply to this e-mail.**

**Thanks & Regards,  
Consulate General of India  
3 East 64th Street,  
New York, NY.  
Tel No. for all enquiries : +1 347-721-9243**





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## Aslam Cyclewala aka Jved Khan A 091 350 968

1 message

**Ek williams** <ekwilliams5283@gmail.com>

Sun, Feb 14, 2021 at 8:41 PM

To: aclupreferences@aclu.org, westernregion@nyclu.org

Hello.

WE NEED SOME HELP, DIRECTION,.

My husband is being held at the Buffalo Federal Detention Center in Batavia, NY since Feb 11,2020! ONE YEAR

We just got denied our Fed Habs Corpus and we are devastated, to say the least. Obtaining travel docs is the problem and has been since my husband was initially granted parole by the DOC NYS parole board w/CPDO in Sept 2016, then again in September 2018 NYS parole board agreed to open parole at his last hearing in Dec 2019. ICE picked him up on Feb 11 2020

1/29/21, The judge denied the Habs based on the fact that she believes Aslam did NOT cooperate in being deported. This is simply not true. We've been trying to assist ICE for YEARS and they can not obtain travel documents.

I've attached a summary of our plight. Please, read and if have any thoughts, suggestions, anything that may assist us, please let me know. He's from India. He's handicapped and has "chronic Kidney Disease". He's a great man who did a terrible terrible crime 32+yers ago.

"Reasonable, foreseeable future" is what ICE claims they will have my husband's travel documents for deportation. What does that mean? He's written to Gov Cuomo, Indian Consulate, in NY, ICE Deportation officers, etc.

Please read and contact me or my husband. Thank you very much  
Erica Khan 914-223-2219

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### 2 attachments

**Supp Dec AC.pdf**  
234 KB

**Habs Decision & Order 012921.pdf**  
6.4 MB



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## Questions Regarding A091 350 968 KHAN, Javed

1 message

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**Radley, Joseph P** <Joseph.P.Radley@ice.dhs.gov>  
To: ekw5283@yahoo.com

Thu, Jan 30, 2020 at 5:30 PM

Good Evening Ms. Khan,

Could you kindly provide the following information:

1. Just confirm that Mr. Kan's parents are the following, Father- Ismail Ibrahim CYCLEWALA, Mother – Gulshan Ismail CYCLEWALA
2. Confirm Parent's Place of Birth locality, delivery post office and pin code, name of post town, City
3. If parents are living in India, current address and phone number?
4. A reference or point of contact in India for Mr. Khan (Name and Address)?

Any questions feel free to call me.

**Regards,**

**Joseph Radley**

**Immigration & Customs Enforcement**

**Buffalo Field Office / Batavia Sub-Office**

**NYSDOCCS Coordinator**

**205 Oak Street**

**Batavia, New York 14020**

**Phone: (585) 344-0830 Ext. 285**

**Cellphone: (716) 289-7565**

**Fax: (585) 344-7090**



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## Reply from Senator Gillibrand (Intranet Quorum IMA00487481)

2 messages

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**IQ Gillibrand(imailagent)** <casework@gillibrand.senate.gov>  
To: secondchances1nysdoc@gmail.com

Tue, Apr 6, 2021 at 4:10 PM

Case Number: 653608

Dear Ms. Williams,

My office received your request for assistance with an immigration matter. Your concerns are important to me. However, in order to determine how to assist you, my staff will need additional information.

Please complete the attached Privacy Act release form in its entirety. This form grants my office written permission to make the proper and necessary inquiries to immigration agencies. The petitioner and/or visa applicant should personally sign the form, as type or signatures by third parties will not be accepted.

In addition, please provide a copy of the receipt/approval notice(s) related to the case(s) about which you would like me to inquire, as well as a detailed explanation of your issue.

You may submit this information via email to [casework@gillibrand.senate.gov](mailto:casework@gillibrand.senate.gov), or via fax to (866) 824-6340.

Feel free to contact my New York City staff with questions about this request at (212) 688-6262. Thank you for your cooperation. It is my hope that I can be of assistance to you.

Sincerely,

Kirsten Gillibrand  
United States Senator

KEG/cs



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## ICE Case Review Autoreply

1 message

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**ICECaseReview** <ICECaseReview@ice.dhs.gov>  
To: Ek williams <secondchances1nysdoc@gmail.com>

Fri, Apr 9, 2021 at 9:17 PM

Thank you for your message to the U.S. Immigration and Customs Enforcement (ICE) Office of the Enforcement and Removal Operations (ERO) Senior Reviewing Official mailbox.

This mailbox is intended solely for use by qualifying individuals and their representatives to contact ICE requesting a case review if they believe they no longer meet ICE's priorities for enforcement, detention or removal. Individuals who may request a case review include those who are:

- currently in ICE custody;
- in the custody of a local/state/federal law enforcement agency, with an ICE detainer or hold in place; or,
- not in custody, but are subject to a final order of removal who has been ordered by ICE to report for removal or depart the U.S. by a specific date.

Others who are not in custody, or do not have a final order of removal are encouraged to contact their local [Field Office](#) if they have questions about their case.

Submission of necessary documentation, including a G-28 or signed privacy waiver, or other requested information will ensure a timely review.

If you are not the recognized attorney or legal representative of the individual about whom you are inquiring, a privacy release signed by the individual named in the case is required by ICE prior to processing your inquiry. A sample privacy waiver form is available here: <http://www.ice.gov/doclib/news/library/forms/pdf/60-001.pdf>.

It is recommended that these inquiries be first sent to the appropriate ICE [Field Office](#) for initial review. All inquiries that have not been previously reviewed by the local field office will be transmitted to the local field offices for initial review and adjudication. The local field office will follow-up with the requestor regarding their decision or request additional information. A list of ERO field offices and their contact information is available here: <http://www.ice.gov/contact/ero>.





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## Immigration indefinite detainment

1 message

**Javed Khan** <secondchances1nysdoc@gmail.com>

Mon, Apr 5, 2021 at 11:11 AM

To: casework@gillibrand.senate.gov

Hi

I wrote to Senator Gillibrand regarding my husband (Aslam Ismail Cyclewala A#091 350 968) being detained at the Buffalo Federal Detention Center for over 14 months. Besides flying him to La,Tx, and back to NY, they have yet to obtain travel documents to deport him. They haven't given him a 9 or 12 month custody review yet.

This is a long story only at this moment ICE isn't following any of their stated protocol regarding detainees. Besides NOT giving him reviews, he's in compromised health and tested positive for Covid 19. They have had his case for over 4 years and haven't been able to get travel documents. They still claim they will do so in the "reasonable foreseeable future". What does this mean?

I NEED help. I've sent a pardon request to Gov Cuomo. I've tried to contact and apply for a replacement passport only with this pandemic, no one is able to get anywhere, including me!

We have even written to other countries asking for entry.

I would very much appreciate any and all help with this. ICE is doing whatever they want to do and holding my husband has got to have an end date.

He committed a terrible crime 32 years ago. He's paid his debt to society and has incredible remorse. He was granted open parole in 2019 (after getting CPDO in 2016,& 2018). His risk assessment is very low and he's taken many classes and certifications for rehabilitation while in NYSDOC custody. William Smith was on the board each time he appeared and(from what I've read & heard) he's a very tough board member. He granted my husband the open dated parole in 2019.

We are not young anymore and all we would like it's to spend these years together.

Is there anything you can do for us? I (we) would be eternally grateful for your assistance.

Respectfully submitted-

Erica K Williams



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## Thank You for Contacting Me

1 message

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**Senator Kirsten Gillibrand** <senator@gillibrand.senate.gov>

Fri, Apr 2, 2021 at 10:28 AM

To: secondchances1nysdoc@gmail.com

Thank you for contacting my office. Your thoughts and concerns are very important to me and you will receive a more detailed response shortly. I sincerely appreciate your patience in waiting for this response, as our mail volume is often significant.

If this is a request for assistance with a federal agency or an immigration case, please contact my Department of Constituent Affairs directly by phone at (212) 688 - 6262 or email [casework@gillibrand.senate.gov](mailto:casework@gillibrand.senate.gov).

Thank you again for contacting my office.

Sincerely,

Kirsten Gillibrand  
United States Senator



## 21-INFO-0618 - DRIL

2 messages

ERO.INFO <ERO.INFO@ice.dhs.gov>

To: secondchances1nysdoc@gmail.com <secondchances1nysdoc@gmail.com>

Cc: ERO.INFO <ERO.INFO@ice.dhs.gov>

Greetings,

Thank you for contacting U.S. Immigration and Customs Enforcement (ICE) Enforcement Removal Operations (ERO).

To follow-up on status of your inquiry, you may contact the ICE Detention Reporting and Information Line (DRIL) at 1-888-351-4024. The DRIL is a toll-free helpline wh

The DRIL is available Monday through Friday, from 8 a.m. to 8 p.m. (Eastern Time).

Respectfully,

Custody Programs

DHS / ICE / ERO

ICE Detention Reporting and Information Line (DRIL) at 1-888-351-4024

21-INFO-0616

<https://www.ice.gov/>

From: ERO.Info@ice.dhs.gov <ERO.Info@ice.dhs.gov>

Sent: Saturday, March 20, 2021 9:11 PM

To: ERO.INFO <ERO.INFO@ice.dhs.gov>

Subject: Webform submission from: ERO Contact Form

*This email message contains user responses to your form in two formats. The first section is presented in a layout that is easy to read where the user's response to each c*

Submitted on: Sat, 03/20/2021 - 20:55

IP Address: 10.0.4.83

## Section 1 - Easy-to-Read Format

Is this request urgent: Yes

Please explain the nature of this urgency: my husband has been in custody for over with ICE for over a year. We are not fighting deportation. His health is going down

### Person Preparing Request, Inquiry, or Complaint

I am: Family member

Name (First, MI, Last): Erica Khan Williams

Email: [secondchances1nysdoc@gmail.com](mailto:secondchances1nysdoc@gmail.com)

Phone number: 9142232219

Organization name (if applicable) and full mailing address, including unit or suite number, city, state and/or country: 3 Hackett Circle West #7 Stamford, CT 06906

### Person(s) on Behalf of Whom Request, Inquiry or Complaint is Made

Full name and date of birth: Aslam Ismail Cyclewala

July 9th 1969

Country of birth:

India

Alien Number (format: A123456789) or indicate N/A: A 091 350 968

Please include the full mailing address, including unit or suite number, city, state and/or country: Buffalo Federal Detention Center in Batavia, NY

Email:

Phone number: 914-223-2219

Is the person detained? Yes

If so: Detention facility where person is currently detained: Buffalo Federal Detention Center

## Type of Inquiry, Issue or Concern

A. General Outreach Inquiry No

Outreach Request

B. Detention Yes

Detention Outreach: Medical or Mental Health Complaint, Release from Facility, Conditions at Facility, ICE/facility Personnel Misconduct, Other

C. Enforcement No

Enforcement Request

D. Facilitation of Return to the U.S. for Court Proceedings

Facilitation Inquiry:

E. National Policies No

If you require information or have a concern regarding a national ICE policy and/or program, please explain:

F. Other Yes

Please give ICE a short description of your request, inquiry or complaint. He's not rec'd 9 month or 12 month review. Other reviews denied due to "nature of crime". TI

## Description of Request, Inquiry or Complaint

Please provide a description of the request, inquiry or complaint. (limit 2,000 characters) My husband served 30 years in the NYSDOC. He was give CPDO in 2016 & have NOT been able to obtain travel docs. since 2017! They flew him all over the place and then back to Buffalo. ICE says they will obtain travel docs in the Reasonabl wanted to attach his communications with D.O. Stothers. It's a joke. If he isn't saying something about the pandemic, he's saying that he'll get back to him when he's ir chronic kidney disease. He's not well and now his mental health is being affected. How long is long enough? we are not fighting deportation. If ICE can't get the travel need/can do from out here, I will do. I've just hit a wall at every turn. Thank you

## Routing Your Request/Inquiry/Complaint

Have you raised your concern or complaint with your local U.S. Immigration and Customs Enforcement field office? Yes

Yes, but ... The response was unsatisfactory

How do I do so?

No, because I fear retaliation if I raise this concern or complaint with the U.S Immigration and Customs Enforcement local field office. Please explain.

No, because this is an emergency. Please explain.

Click Confirmation: Yes

By typing your name here, you are legally signing this form: Erica K Williams

## Section 2 - MS Excel Friendly Format

You can copy and paste the table rows below into an Excel Spreadsheet. Feel free to omit the first row if the columns exist in your spreadsheet already. Don't forget: the co

Is this request urgent:	Please explain the nature of this urgency:	I am:	Name (First, MI, Last):	Email:	Phone number:	Organization name (if applicable) and full mailing address, including unit or suite number, city, state and/or country:	Full name and date of birth:	Country of birth:	Alien Number (format: A123456789) or indicate N/A:	Please include the full mailing address, including unit or suite number, city, state and/or country:	Email:	Phc num
Yes	my husband has been in	Family member	Erica Khan Williams	secondchances1nysdoc@gmail.com	9142232219	3 Hackett Circle West #7	Aslam Ismail Cyclewala	India	A 091 350 968	Buffalo Federal Detention		914-223-2219

custody for  
over with  
ICE for over  
a year. We  
are not  
fighting  
deportation.  
His health  
is going  
downhill.  
He just  
tested  
positive for  
Covid and  
has  
underlying  
conditions  
as well

Stamford,  
CT 06906

July 9th  
1969

Center in  
Batavia,  
NY



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**Aslam Cyclewala aka Javed Khan A 091 350 968**

2 messages

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**Ek williams** <ekwilliams5283@gmail.com>  
To: John Peng <jpeng@plsny.org>

Sat, Feb 27, 2021 at 2:28 PM

Hi John,

Hope this email finds you well. Question about ICE and your suit against them regarding Covid and safety....

Do you recall if the judge ruled that if a guy was in a two man cell and one tests positive for covid, that ICE must put the other guy in a single cell?

My husband received his "Covid review" that states he has "chronic Kidney disease" only they are double bunking him and denied release because they are taking the proper precautions. Covid has just entered my husband's dorm and they are just taking the guys that tested positive out of his dorm, throwing them into the "covid unit" and that is it. Is this following the "protocol" that the judge ordered?

Thank you for any information you can provide.

Erica Khan Williams

---

**John Peng** <jpeng@plsny.org>  
To: Ek williams <ekwilliams5283@gmail.com>

Tue, Mar 2, 2021 at 8:25 AM

Hi Erica,

I'm sorry for my slow response. Things have been very hectic with everything going on at the facility. I'm very sorry to hear of your husband's condition. All of it is so wrong. Unfortunately, though, the judge has not made any rulings in our case for what ICE is required to do once they receive a positive test. We have tried to push the issue in the past before (and are thinking through ways to push on that again) but the judge did not go for them. Can I confirm that the "Covid review" you are referring to was a review pursuant to *Fraihat v. U.S. ICE*? If so, it's a little tricky because the standards in that case do not fully align with the standards set by the judge in our case. So, there's a chance ICE deemed your husband vulnerable pursuant to *Fraihat* but not vulnerable pursuant to our lawsuit. We will continue to work on everything and are going back to court this week with the judge on conditions at the facility.

Many thanks,

John

-----

John Peng, Esq.

Immigrant Justice Corps Fellow

Prisoners' Legal Services of New York

41 State St., Ste. M112

Albany, NY 12207

T: (518) 694-8699 ext. 2102

F: (518) 694-4281

E: [jpeng@plsny.org](mailto:jpeng@plsny.org)

Preferred pronouns: he/him/his

*Prisoners' Legal Services intends that this electronic message be used exclusively by the individual or entity to which it is addressed. This message may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, be aware that any disclosure, dissemination, distribution, or copying of this communication, or the use of its contents, is strictly prohibited. If you have received this communication in error, please notify us immediately by the telephone at (518) 694-8699 and delete the original message from your e-mail system.*

[Quoted text hidden]



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## Aslam Cyclewala aka Javed Khan A# 091350968

1 message

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**Ek williams** <secondchances1nysdoc@gmail.com>

Fri, Feb 26, 2021 at 2:54 PM

To: baec@eriebar.org, info@legalaiddbuffalo.org, isanchez@vlsprochester.org

Hello,

My name is Erica Khan Williams and my husband is being held at the Buffalo Federal Detention Center in Batavia, NY for over 1 year.

We were just denied our Fed Habs Corpus and Covid has just entered his dorm. He is 53 years old and has "Chronic Kidney Disease".

I've attached a "summary" of my husband's situation and I don't know where to turn for help, direction, etc. I'm VERY concerned now that Covid has hit his dorm directly. These facilities are NOT able to give these men and women the proper medical treatment besides caring about them in any way.

Please review the attached. If there is any help, suggestions, etc, please let me know. Thank you.

Erica Khan



**Supp Dec AC.pdf**  
234 KB



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
123 WILLIAM STREET  
NEW YORK, NY 10038-3804  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

February 24, 2021

Honorable Sean Patrick Maloney  
Member of U.S. Congress  
123 Grand Street, 2<sup>nd</sup> Floor  
Newburgh, NY 12550

GCO#: 893535M & #894338

Dear Representative Maloney,

Our office was recently contacted via the attached correspondence from Erica Williams who is a constituent of your district. Erica Williams' correspondence relates to her seeking assistance with her husband's immigration case.

Since this particular issue falls within the jurisdiction of the federal government, we are referring this case to your office. Erica Williams can be reached at the following address:

Erica Williams  
5 Court Road  
Bedford, NY 10506  
Phone: 914-223-2219  
Email: [secondchances1nysdoc@gmail.com](mailto:secondchances1nysdoc@gmail.com)

In addition, please find enclosed a copy of the letter we sent to Erica Williams, as well as original correspondence.

Thank you for your assistance in this matter.

Kind regards,

*Camille Campisi*

Camilla Campisi  
Program Manager for Special Initiatives  
New York State Office for New Americans



**Department  
of State**

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February 24, 2021

Erica Williams  
5 Court Road  
Bedford, NY 10506

GCO#: 893535M & #894338

Dear Erica Williams,

Thank you for contacting the Office of Governor Andrew M. Cuomo on January 25, 2021 and January 26, 2021 regarding your request for assistance with your husband's case. The Governor's Office forwarded your correspondence to the New York State Office for New Americans for follow-up.

The Office for New Americans manages the Liberty Defense Project which provides free legal assistance and representation to immigrants in New York State. Should you be interested in accessing legal assistance or other immigrant services, please contact the New York State New Americans Hotline at 1-800-566-7636.

Since matters like the one you describe fall within jurisdiction of the federal government, we are forwarding your query to your local Congressional representative, the Honorable Sean Patrick Maloney. He can be reached at:

Honorable Sean Patrick Maloney  
Member of U.S. Congress  
123 Grand Street, 2<sup>nd</sup> Floor  
Newburgh, NY 12550  
845-561-1259  
<https://seanmaloney.house.gov/services/help-with-a-federal-agency>

Please find enclosed a copy of the letter we sent to Congressman Maloney on your behalf. We suggest you follow-up with his office to ensure that your case is addressed as soon as possible. Should you have any questions, comments and/ or concerns, you may contact us at [newamericans@dos.ny.gov](mailto:newamericans@dos.ny.gov).

Sincerely,

*Camille Campisi*

Camilla Campisi  
Program Manager for Special Initiatives  
New York State Office for New Americans



**Department  
of State**



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## Aslam Ismail Cyclewala child

1 message

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**Ek williams** <secondchances1nysdoc@gmail.com>

Fri, Feb 12, 2021 at 4:12 PM

To: info@stannehighschool.org

Name of parents Ismal / Gulshan

Hi,

it is very important for me to prove to the Immigration department in the United States that the above referenced child attended your school in 10/6/74 to 3/05/1979 General Register no is2110  
And again on 31/05/1984 register number 2658 secondary school

Signed by Mrs. Mariarilyn Fernandes Headmistress.

Please confirm this immediately. Thank you so very much. I'm his wife and he's being held in detention by immigration and needs to prove that he's an indian citizen.

Be well  
Erica Khan



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**Javed Khan/Aslam Cyclewala formally NYSDOC 91A2211 currently A091 350 968**

1 message

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**Ek williams** <ekwilliams5283@gmail.com>

Mon, Jan 25, 2021 at 9:58 AM

To: Email@exec.ny.gov

Dear Governor Cuomo,

Please take a moment to read the attached. If there is any way you can assist me/my husband with this, we will be eternally grateful. As I told you before in a previous email, I just tested positive for Covid 19. I am 60 years old. I'm not feeling terrible only I'm definitely not feeling great! I just want to have the last years with my husband. That's all we are asking for.

Please read it.

Thank you.

Erica Khan



**Supp Dec AC.pdf**

234 KB



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## Aslam Ismil Cyclewala aka Javed Khan A091 350 968

1 message

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**Ek williams** <ekwilliams5283@gmail.com>

Wed, Feb 3, 2021 at 5:36 PM

To: joseph.p.radley@ice.dhs.gov, Bob <Bob@bobgraziano.com>

Cc: Andrew.D.Beck@ice.dhs.gov

Bcc: Gov. Andrew M. Cuomo <Email@exec.ny.gov>, Nicholas Phillips <np@phillipspllc.com>

Hello Officer Radley,

I hope this email finds you and your loved ones well in this crazy pandemic world.

The reason for this email is to confirm, which you have confirmed previously, that my husband and I have and had been cooperating with ICE since you took over his file from Andrew Beck.

At this time, I don't care where he is released to, my main objective is that he (and I) have our last 20+ years together!!

Apparently, the judge feels that we haven't been cooperating with ICE even though we (my husband & I) sent Mr.Beck and you his birth certificate and school records that were in his birth name, Aslam Ismil Cyclewala in 2017

I think it's VERY unfortunate, unfair and untruthful for ICE to claim that they didn't have his birth name Aslam Cyclewala (birth certificate) & (school records) until 2020. You KNOW this is NOT the truth. Why weren't the travel documents submitted under his birth name back in 2017,2018,& 2019 You have an answer about this? I'm very interested in hearing it.

Look forward to hearing from you.

Erica Khan



---

**Javed Khan A 091 350 968**

3 messages

---

**Ek williams** <ekwilliams5283@gmail.com>

Mon, Jun 15, 2020 at 6:57 PM

To: ICE Batavia Joseph X285 Radley <Joseph.p.radley@ice.dhs.gov>

Hello Officer Radley,

Per my message, I'd like to know the status of obtaining transfer papers for my husband.

As you know, he was denied release on his 90day review and our attorney has requested this information.

Please supply me with documentation from ICE stating the efforts made to obtain travel documents.

Much appreciated,

Erica Khan Williams

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**Radley, Joseph P** <Joseph.P.Radley@ice.dhs.gov>

Tue, Jun 16, 2020 at 4:55 PM

To: Ek williams <ekwilliams5283@gmail.com>

Ms. Williams,

I forwarded this to Officer Stothers for a response, he is your husband's case officer.

Stay well.

**Joseph Radley**

**Immigration & Customs Enforcement**

**Buffalo Field Office / Batavia Sub-Office**

**NYSDOCCS Coordinator**

**205 Oak Street**

**Batavia, New York 14020**

**Cellphone: (716) 289-7565**

**Fax: (585) 344-7090**

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Aslam Cyclewala

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

## DEFENDANTS

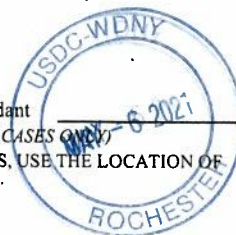
Feeley et al.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)



## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>LABOR</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

## VI. CAUSE OF ACTION

Brief description of cause:  
2241 INF Habes

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



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BATAVIA, NY, 14020

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WESTERN DISTRICT OF NEW YORK  
United States Court House  
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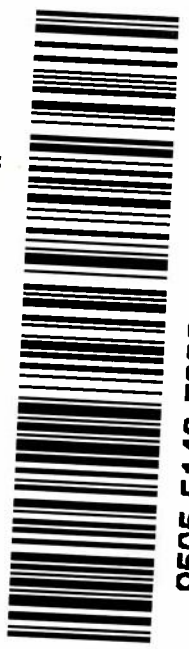
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